

and find same correctly enrolled, and have this day at 10:50 o'clock presented same to the Governor for her approval.

FLOYD, Chairman.

Committee Room,

Austin, Texas, March 5, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 147 carefully examined and compared, and find same correctly enrolled, and have this day at 5:20 o'clock presented same to the Governor for her approval.

FLOYD, Chairman.

#### Bills Ordered Printed in the Journal.

Committee Room,

Austin, Texas, March 5, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 373.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed in bill form.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, March 5, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 21,

Have had the same under consideration, and am I instructed to report the same back to the Senate with the recommendation that it do pass.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 100,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following committee amendments, and that the original bill and the committee amendments.

DAVIS, Chairman.

Committee Room,

Austin, Texas, March 4, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Land and Land Office, to whom was referred

S. B. No. 427,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

REAL, Chairman.

#### FORTIETH DAY.

Senate Chamber,

Austin, Texas,

Friday, March 6, 1925.

The Senate met at 9:30 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following senators answering to their names:

Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Davis.	Russek.
Hardin of Kaufman.	Smith.
Holbrook.	Strong.
Lewis.	Stuart.
Miller.	Triplett.
Moore of Hunt.	Ward.
Moore of Cooke.	Wirtz.
Parnell.	Witt.
Parr.	Wood.
Pollard.	

#### Absent.

Fairchild.	Hardin of Erath.
Floyd.	

#### Absent—Excused.

Bailey.	Woodward.
Murphy.	

Prayer by Dr. Owers of Austin.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Davis.

#### Excused.

Senator Murphy and Senator Woodward were excused for today and tomorrow on account of important business on motion of Senator Wirtz.

**Bills and Resolutions.**

By Senator Davis:

S. B. No. 438, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the State and authorizing payment of said miscellaneous items on the taking effect of this Act, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Price:

S. B. No. 439, A bill to be entitled "An Act amending the special road law of Titus County, so as to authorize the commissioners' court to fund the road and bridge indebtedness of said county by the issuance of funding or refunding bonds, and to levy a tax in payment thereof, and declaring an emergency."

By Senator Moore of Hunt, by request:

S. B. No. 440, A bill to be entitled "An Act to amend Chapter 75 of the Acts of the Third Called Session of the Thirty-sixth Legislature, creating the Emory Independent School District, by adding thereto Section 14, permitting adjoining territory to be incorporated in the Emory Independent School District, upon petition of qualified voters adjoining said school district, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Lewis:

S. B. No. 441, A bill to be entitled "An Act to create the Montgomery Independent School District in Montgomery County, Texas, defining its boundaries, to provide for the election of trustees, providing for the retention in office of the present board of trustees of the Montgomery Independent School District, and providing for the abolition of all other boards of trustees of any school district included within the district hereby created, providing for the raising of revenues, issuing bonds, maintaining public free schools, providing for the means of transportation of the school children in said district, validating all issues of bonds heretofore voted and made, declaring valid and continuing in force all maintenance taxes heretofore voted and levied, providing for an election to determine (1) whether the entire district as a whole as herein created shall assume all outstanding bonded indebtedness, (2) all property

within the Montgomery Independent School District as created by this Act, shall be subject to all special school taxes heretofore voted and levied by the Montgomery School District, repealing all laws in conflict with this Act, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Smith:

S. B. No. 442, A bill to be entitled "An Act to amend Section 1 of Chapter 71, Special Laws of the Thirty-eighth Legislature, Regular Session, the same being entitled 'An Act to amend Section 1 of Chapter 3, Local and Special Laws, Third Called Session, Thirty-sixth Legislature, amending and revising the metes and bounds of the Moran Independent School District in Shackelford and Callahan Counties, Texas, and declaring an emergency,' so that the said section shall hereafter read as herein set out, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

**Senate Bill No. 400.**

The Chair laid before the Senate, on third reading,

S. B. No. 400, a local road law for Liberty County.

The bill was read second time and passed finally, by the following vote:

Yeas—27.

Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Witt.
Parnell.	Wood.
Parr.	

Absent.

Miller.

Absent—Excused.

Bailey.  
Murphy.

Woodward.

**Senate Bill No. 293.**

The Chair laid before the Senate, on second reading,

S. B. No. 293, A bill to be entitled "An Act to amend Article 648 of

Subdivision 2 of Chapter 2, Title 18, of the Revised Civil Statutes of the State of Texas, so as to allow the issuance of bonds for the purposes provided in said subdivision of said chapter in counties having in excess of 200,000 inhabitants by the last preceding United States census, in an amount or sum not greater than ten cents on the hundred dollars' property valuation of such county so that said article will hereafter read as herein provided in Section 1, and declaring an emergency."

The bill was read second time, and Senator Davis offered the following amendment, which was read and adopted:

Amend caption to S. B. No. 293, page 1, line 7, by striking out the words "of Subdivision 2 of."

The bill was passed to engrossment.

On motion of Senator Davis, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 293 put on its third reading and final passage, by the following vote:

Yeas—27.

Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Witt.
Parnell.	Wood.
Parr.	

Absent.

Miller.

Absent—Excused.

Bailey.	Woodward.
Murphy.	

S. B. No. 293 was laid before the Senate, read third time, and passed finally, by the following vote:

Yeas—27.

Berkeley.	Lewis.
Bledsoe.	Moore of Hunt.
Bowers.	Moore of Cooke.
Davis.	Parnell.
Fairchild.	Parr.
Floyd.	Pollard.
Hardin of Erath.	Price.
Hardin of Kaufman.	Real.
Holbrook.	Reid.

Russek.	Ward.
Smith.	Wirtz.
Strong.	Witt.
Stuart.	Wood.
Triplett.	

Absent.

Miller.

Absent—Excused.

Bailey.	Woodward.
Murphy.	

#### Senate Bill No. 292.

Senator Floyd called from the table, and the Chair laid before the Senate, on third reading,

S. B. No. 292, A bill to be entitled "An Act to amend Article 4859, Title 71, Chapter 7, of the Revised Statutes of 1911, as amended by Chapter 50 of the Acts of the Regular Session of the Thirty-sixth Legislature, approved March 13, 1919, by adding thereto Articles 4859a, 4859b, 4859c, 4859d and 4859e, so as to provide that there shall not be more than 2,000 members in any one class or group, and further providing that every local mutual aid association hereafter organized in this State shall first obtain a permit from the Commissioner of Insurance; providing that such associations shall have a president, and that the officer having charge of the funds of such associations now or hereafter organized shall execute a bond to be approved by the president thereof and payable to him in the sum of not less than \$1,000.00 and \$1.00 for each member in excess of 1,000 members; providing penalties for violations of the provisions of this Act, and declaring an emergency."

The bill had been read on a former date, and Senator Floyd offered the following amendment, which was read and adopted, by unanimous consent:

Amend S. B. No. 292, on page 3, by striking out Section 4859a and renumbering the following sections to correspond.

Senator Floyd offered the following amendment, which was adopted by unanimous consent:

Amend the caption of S. B. No. 292, to read as follows:

#### A BILL

To be entitled

An Act to amend Article 4859, Title 71, Chapter 7 of the Revised Statutes of 1911, as amended by Chapter 50 of the Acts of the Regular

Session of the Thirty-sixth Legislature, approved March 13, 1919, by adding thereto Articles 4859a, 4859b, 4859c, and 4859d, so as to provide that there shall not be more than 2000 members in any one class or group, and further providing that the Insurance Commissioner shall require every mutual aid association doing business in this State to execute a bond; providing that such association shall have a president, and that the officer having charge of the funds of such associations now or hereafter organized shall execute a bond to be approved by the president thereof and payable to him in the sum of not less than \$1,000.00 and \$1.00 for each member in excess of 1000 members; providing penalties for violations of the provisions of this Act and declaring an emergency.

The bill was passed finally, by the following vote:

Yeas—15.

Berkeley.	Reid.
Davis.	Smith.
Floyd.	Stuart.
Hardin of Kaufman.	Triplett.
Moore of Hunt.	Ward.
Moore of Cooke.	Wirtz.
Parnell.	Wood.
Pollard.	

Nays—8.

Bledsoe.	Lewis.
Fairchild.	Parr.
Hardin of Erath.	Real.
Holbrook.	Strong.

Present—Not Voting.

Witt.

Absent.

Bowers.	Price.
Miller.	Russek.

Absent—Excused.

Bailey.	Woodward.
Murphy.	

Senator Wood moved that the regular order of business be suspended until 10:30 o'clock today and that local business, or bills that there is no objection to, be taken up.

The motion was adopted.

Senate Bill No. 283.

The Chair laid before the Senate, on second reading,

S. B. No. 283, A bill to be entitled "An Act to increase and provide for

the salary of the superintendent of public instruction of Limestone County, Texas, providing for office expenses, traveling expenses: repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill No. 365.

The Chair laid before the Senate, on second reading,

S. B. No. 365, A bill to be entitled "An Act extending the boundaries of the Markham Independent School District, enlarging the same and defining its boundaries, and providing that the management and control of all public free schools within said enlarged district shall be vested in the present board of public school trustees of the Markham Independent School District and their successors in office, etc."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time, and Senator Holbrook offered the following amendment, which was adopted:

Section 1. That the Markham Independent School District in Matagorda County, Texas, including within its boundaries the town of Markham, in said county and State, and other lands and territory adjacent thereto, as the same existed immediately prior to the passage of this bill, which said independent school district is described by metes and bounds as follows, to-wit:

Beginning at a point in the J. Partain Lea, 837 vrs. 3, and 2302 W. of its S. W. Cor., a stake. Thence N. 837 vrs. lower line of Graves Lea, at 3752 pass lower line of Ethertob Lea, at 6252 vrs. pass lower line of St. John Lea, at 9057 vrs. pass lower line of I. & G. N. R. R. Survey No. 4, Block No. 9 at 9502 vrs, at stake for Cor. Thence E. at 600 vrs. pass E. line Sec. 4, Blk. 9 I. & G. N. R. R. Co. Survey, at 2500 vrs. pass E. line of Section 3, Blk. 9, I. & G. N. R. R. Co. Sur. at 3527 vrs. E. line of Sec. 2, Blk. 9, I. & G. N. R. R. Co. Sur, at 5053 vrs. E. line of Sec. 1, Blk. 9, I. & G. N. R. R. Co. Sur. at 6753 vrs. E. line J. Robertson, Sur. at 7953 vrs., lower line of H. H. League at 9502 vrs. a stake for cor.; Thence S. 3272 vrs., lower line of Cayce Lea, at 5422 vrs., lower line of upper

Harrison Qr. at 5772 vrs., lower line of Middle Harrison Qr. at 7022 vrs., lower line of Harrison Qr. at 9502 vrs., a stake for S. E. cor. of this survey; Thence W. 7202 vrs, W. line of H. Bowman & Reese survey and the E. line of Jno. Martin Survey, at 952 vrs., place of beginning:

Shall be enlarged by annexing thereto certain lands and territory adjacent thereto, heretofore known as a part of Common School District No. 14 and a part of Common School District No. 9, so that the said Markham Independent School District shall exist and be all that territory lying within the following metes and bounds:

Beginning at the Southeast corner of the G. B. M. Cotton League, on the Colorado River, said place of beginning being the Northeast corner of the C. G. Cox League:

Thence west along the division line between the said G. B. M. Cotton League and the C. G. Cox League, to the Southwest corner of the said G. B. M. Cotton League, said point being also the Southeast corner of the P. Burnett Survey:

Thence North along the West boundary line of the said Cotton League to its Northwest corner in the East boundary line of the T. Jamison Survey, same being the Southwest corner of the G. M. D. Survey; Thence East along the divisions line between the said G. B. M. Cotton League and the G. M. & D. Survey, to the Southeast corner of the said G. M. & D. Survey, said point being the Southwest corner of the J. C. Keller League;

Thence North along the boundary line of the said Keller League and the Bowman and Reese League to its intersection with the South boundary line of the original Markham Independent School District, said point being 837 varas South of the Northeast corner of the Jno. Partain League; Thence West along the said South boundary line of the original Markham Independent School District, 2300 varas to the Southwest corner; Thence North, at 837 varas pass the North line of the Partain League, and the South line of the Graves League, at 3752 varas pass the division line between the Graves and Etherton Leagues, at 6252 varas across the division line between the Etherton League and the H. L. St. John Survey, at 9057 varas across

the division line between the said H. K. Survey and Sur. 4, Blk. 9 of the I. & G. N. R. R. Co. Surveys, 9502 varas to a point for the Northwest corner of the said original Markham Independent School District;

Thence East along the North boundary line of the said original Markham Independent School District, at 600 varas across the division line between Surveys No. 4 and No. 3 of Blk. No. 9 I. & G. N. R. R. Co. Surveys, at 2500 varas pass the divisions line between Surveys No. 3 and No. 2 of the said block, at 3527 varas pass the East line of said Survey No. 2, Blk. No. 9 of the I. & G. N. R. R. Co. Surveys, at 5053 varas across the division line between Survey No. 1 of said Blk. and the J. Robertson Survey, at 6753 varas across the divisions line between the said J. Robertson Survey and the H. R. Survey Lea, at 7953 varas cross the division line between the said H. H. League Lea, and the Thos. Cayce League, at 9502 varas pass the original Northeast corner of the Markham Independent School District;

Thence continuing due East across the upper portion of the said Thos. Cayce League, to the Colorado River, a point for the Northeast corner of this District;

Thence in a Southerly direction along the said Colorado River with its meander down-stream to its intersection with the common East corner of the G. B. M. Cotton League and the C. G. Cox League, the place of beginning containing within the foregoing described boundaries 29,549.6 acres of land, and being as follows:

	Acres.
Original Markham Independent District .....	15,980.0
Portion of Common School District No. 9 .....	2,206.0
Portion of Common School District No. 14 .....	11,363.6
Total .....	29,549.6

The bill was then passed to engrossment.

#### Senate Bill No. 371.

The Chair laid before the Senate, on second reading,

S. B. No. 371, A bill to be entitled "An Act creating a special road law for Cottle County, Texas, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

#### Senate Bill No. 347.

The Chair laid before the Senate, on second reading,

S. B. No. 347, which was laid on the table subject to call.

#### Senate Bill No. 366.

The Chair laid before the Senate, on second reading,

S. B. No. 366, A bill to be entitled "An Act extending the boundaries of the Blessing Independent School District, etc."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Bledsoe, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 366 put on its third reading and final passage, by the following vote:

Yeas—27.

Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Witt.
Parnell.	Wood.
Parr.	

Absent.

Miller.

Absent—Excused.

Bailey.	Woodward.
Murphy.	

S. B. No. 366 was laid before the Senate, read third time and passed finally, by the following vote:

Yeas—27.

Berkeley.	Fairchild.
Bledsoe.	Floyd.
Bowers.	Hardin of Erath.
Davis.	Hardin of Kaufman.

Holbrook.	Russek.
Lewis.	Smith.
Moore of Hunt.	Strong.
Moore of Cooke.	Stuart.
Parnell.	Triplett.
Parr.	Ward.
Pollard.	Wirtz.
Price.	Witt.
Real.	Wood.
Reid.	

Absent.

Miller.

Absent—Excused.

Bailey.	Woodward.
Murphy.	

#### Message from the House.

Hall of the House of Representatives, Austin, Texas, March 6, 1925.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 232, A bill to be entitled "An Act authorizing the Texas Library and Historical Commission to place certain historical relics in the custody of the Daughters of the Republic of Texas and the United Daughters of the Confederacy, Texas Division, providing for their safe keeping, safe guarding the title of the State thereto, and declaring an emergency."

S. B. No. 238, A bill to be entitled "An Act to increase the civil jurisdiction of the county courts of Lee County, and declaring an emergency."

S. B. No. 241, A bill to be entitled "An Act creating and incorporating the Silverton Independent School District, of Briscoe County, Texas, for free school purposes only, defining its boundaries, vesting it with all the rights, powers, duties and privileges of independent school districts under the General Laws of Texas pertaining thereto, providing for a board of trustees, raising of revenue by taxation, issuing bonds and maintaining public free schools therein, vesting all lands, buildings and all other property now owned and held for free school purposes, by the Silverton Common School District of Briscoe County, Texas, in the Silverton Independent School District, of Briscoe County, Texas; providing that all outstanding indebtedness, whether bonded or otherwise, of the Silverton Common School District,

shall be validated and held a valid obligation against the Silverton Independent School District, of Briscoe County, Texas, declaring valid a maintenance and bond tax heretofore voted by said Silverton Common School District, and repealing all other Acts and laws in conflict herewith, and declaring an emergency."

S. B. No. 270, A bill to be entitled "An Act amending Acts of the Thirty-eighth Legislature, Second Called Session, Chapter 8, and providing for the reorganization of the Seventy-second Judicial District of Texas, naming the counties constituting the same, and creating and organizing the One Hundred and Sixth Judicial District of Texas, and naming the counties therein; fixing the times and terms of the district courts in the several counties of such districts, and providing for the appointment of a district judge, and a district attorney for the One Hundred and Sixth Judicial District hereby created; providing that process issued, bonds and recognizances made, and grand and petit jurors drawn before this Act takes effect, shall be made for and returnable to their several terms as herein set forth; fixing the time of taking effect of this Act, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

S. B. No. 320, A bill to be entitled "An Act to amend Section 1 of an Act passed by the Thirty-fourth Legislature of Texas and approved March 22, 1915, creating the Ninth Supreme Judicial District of Texas, the same being Chapter 70 of the Acts of the Regular Session of the Thirty-fourth Legislature and to create the Tenth Supreme Judicial District of Texas, as amended by the Thirty-fourth Legislature, so as to take Wood County out of the Fifth Supreme Judicial District of Texas and add Wood County to the Sixth Supreme Judicial District of Texas."

H. B. No. 316, A bill to be entitled "An Act creating the Cyclone Common School District No. 9, in Bell County, Texas, fixing its boundaries by metes and bounds, dissolving and abolishing the old Common School District No. 9, in said county and State, and carving out of a part of the same, retaining its old name, that is the Cyclone Common School District No. 9, out of the eastern part of said old district, and by this special Act creating the new, providing for the payment of out-

standing bonds or other evidences of indebtedness, and declaring an emergency."

H. B. No. 369, A bill to be entitled "An Act to change and prescribe the time for holding district court of the Thirty-first Judicial District of the State, and to conform all writs and process from such court to such changes and to make all writs and process issued or served before this Act takes effect including recognizance and bonds, returnable to the terms of court in the several counties in said district, as herein fixed and to validate the summoning of grand petit jurors, and juries, and providing for the continuation of court in session in said district when this Act takes effect, to the end of its term; and repealing all laws and parts of laws in conflict herewith."

H. B. No. 427, A bill to be entitled "An Act to create Neal Common School District in Tyler County, Texas, including therein the territory of the Common School District No. 36 of the said county; providing a board of trustees therefor, vesting said school district board of trustees with all the rights, powers, privileges and duties conferred upon common school districts incorporated under the General Laws of Texas; and providing for a board of trustees to serve until the time for the next election of school trustees as provided by General Law; providing for the validation of all contracts for the maintenance of the schools of the territory herein incorporated for the current scholastic year; providing for an election to determine as to the outstanding bonded indebtedness of the territory herein incorporated, as herein set out; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 433, A bill to be entitled "An Act to increase the jurisdiction of the county court of Tarrant County for civil cases and conferring upon said court criminal jurisdiction in certain cases; to provide for the filing of civil and criminal cases in both the county court of Tarrant County for civil cases and the county court at law of Tarrant County, and the transfer of cases into and between said courts; to fix the salaries of the judges of the county court of Tarrant County for civil cases and the county court at law of Tarrant County; to change the designation of said

last named courts; providing a saving clause, and declaring an emergency."

H. B. No. 464, A bill to be entitled "An Act to fix the compensation of county commissioners in counties of judicial districts comprised of two counties on January 1, 1925, having a total population within said districts of not less than thirty-five thousand nor more than forty-one thousand inhabitants according to the last United States census, and which have an aggregate area of not less than 1890 square miles, according to the records of the General Land Office of Texas, and declaring an emergency."

H. B. No. 474, A bill to be entitled "An Act to amend Article 7235, Chapter 6, Title 124, Revised Civil Statutes of Texas, 1911, as amended by Chapter 72, General Laws of the Thirty-third Legislature, and Chapter 26 and 99, General Laws of the Thirty-fourth Legislature, and Chapter 131, General Laws of the Thirty-fifth Legislature, and Chapter 10 of the General Laws of the Second Called Session of the Thirty-fifth Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the counties named, so as to include Hudspeth county."

H. B. No. 503, A bill to be entitled "An Act to exempt the county of Howard from the provisions and operations of Articles 7256 to 7304, inclusive, of Chapter 7, Title 124, of the Revised Civil Statutes of 1911, relating to the inspection of hides and animals; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 536, A bill to be entitled "An Act creating the Woodsboro Independent School District in Refugio County, Texas; validating all levies of taxes and contracts made in behalf of the existing Woodsboro Independent School District; continuing in office the board of trustees of said independent district; providing for the maximum rate of taxation for the issuance of bonds and the maintenance of the public free schools; repealing all laws in conflict with the provisions of this Act, and declaring an emergency."

The House concurs in Senate amendments to H. B. No. 209 and to H. B. No. 277.

Respectfully submitted,

C. L. PHINNEY,

Chief Clerk, House of Representatives.

#### Senate Bill No. 377.

The Chair laid before the Senate, on second reading,

S. B. No. 377, A bill to be entitled "An Act creating the Willamar Independent School District in Willacy County, Texas; defining its boundaries; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws upon independent school districts and the boards of trustees thereof; providing that the management and control of the public free schools of said district shall be vested in a board of trustees composed of five persons; and providing for the election and qualification of said trustees; providing for the assumption by said district of the outstanding bonded indebtedness; providing for the appointment of a tax assessor and collector and board of equalization for said district, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

#### Senate Bill No. 380.

The Chair laid before the Senate, on second reading,

S. B. No. 380, A bill to be entitled "An Act creating the Orange Independent School District in the County of Orange, State of Texas; defining its boundaries; providing for the addition of contiguous territory, and divesting the bodies politic now controlling the same of the title to all the territory within this Act as described, and divesting the same in the Orange Independent School District; providing for the personnel and election of a board of trustees to manage and control the public free schools within said districts, and in vesting the said district with the rights, powers, privileges and duties of a city, town or village incorporated for free school purposes only under the General Laws; continuing the tax heretofore voted, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.



**Senate Bill No. 383.**

The Chair laid before the Senate, on second reading,

S. B. No. 383, A bill to be entitled "An Act to increase and fix the salary of the superintendent of public instruction of Harris County, Texas; providing for office and traveling expenses; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

**Senate Bill No. 426.**

The Chair laid before the Senate, on second reading,

S. B. No. 426, A bill to be entitled "An Act to create a more efficient road system for Travis County, Texas, etc."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

**Senate Bill No. 378.**

The Chair laid before the Senate, on second reading,

S. B. No. 378, A bill to be entitled "An Act creating the Lasara Independent School District in Willacy County, Texas; defining its boundaries; providing for a board of trustees is said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws upon independent school districts and the boards of trustees thereof; providing that the management and control of the public free schools of said district shall be vested in a board of trustees composed of five persons; providing for the election and qualification of said trustees; providing for the assumption by said district of the outstanding bonded indebtedness; providing for the appointment of a tax assessor and collector and board of equalization for said district, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

**Senate Bill No. 360.**

The Chair laid before the Senate, on second reading,

S. B. No. 360, which was laid on the table subject to call.

**Senate Bill No. 396.**

The Chair laid before the Senate, on second reading,

S. B. No. 396, which was indefinitely postponed.

**Senate Bill No. 397.**

The Chair laid before the Senate, on second reading,

S. B. No. 397, which was indefinitely postponed.

**Senate Bill No. 311.**

The Chair laid before the Senate, on second reading,

S. B. No. 311, which was indefinitely postponed.

**Senate Bill No. 407.**

The Chair laid before the Senate, on second reading,

S. B. No. 407, A bill to be entitled "An Act making appropriation to pay the salaries of the judges of the One Hundred and First and One Hundred and Second Judicial Districts, created by the passage of H. B. No. 57 and S. B. No. 149 at the Regular Session of the Thirty-ninth Legislature, and declaring an emergency."

The Committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

**Senate Bill No. 408.**

The Chair laid before the Senate, on second reading,

S. B. No. 408, which was laid on the table subject to call.

**Senate Bill No. 413.**

The Chair laid before the Senate, on second reading,

S. B. No. 413, which was laid on the table subject to call.

**Senate Bill No. 414.**

The Chair laid before the Senate, on second reading,

S. B. No. 414, A bill to be entitled "An Act creating the Ben Franklin Independent School District in Delta

County, Texas; confining its boundaries; providing for a board of trustees for said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the board of trustees thereof, including petition to extend its boundaries; providing that all bonds heretofore voted in said district shall remain in full force and effect against said district which voted the same; providing for the assumption of said bondsment of its proportion of the bonded indebtedness of any common school district of which the land herein described is a part; providing for appointment of tax collector and assessor and a board of equalization; providing for a depository, and declaring an emergency."

The Committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

#### Senate Bill No. 284.

The Chair laid before the Senate, on second reading,

S. B. No. 284, A bill to be entitled "An Act to vest in the University of Texas the title to the property near the intersection of Nineteenth Street and East Avenue in the City of Austin, Texas, consisting of Outlots Nos. Sixty-four (64) and Seventy-one (71) of Division "E" of said City of Austin, Travis County, Texas, and being the property formerly occupied by the State Blind Asylum, including all improvements, furnishings and fixtures thereon situated; and repealing all laws and parts of laws in conflict herewith."

The Committee report, providing that the bill be not printed and with amendments was adopted.

The bill was read second time, and Senator Holbrook moved to lay the bill on the table subject to call.

Senator Pollard moved to table the motion, which motion to table was adopted.

The bill was passed to engrossment.

#### Senate Bill No. 416.

The Chair laid before the Senate, on second reading,

S. B. No. 416, A bill to be entitled

"An Act creating the Huntington Independent School District, in Angelina County, including within the bounds of said district the present Huntington Independent School District, defining the boundaries of said district, validating certain school-house bonds authorized and issued by the present, etc."

The Committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

#### Senate Bill No. 420.

The Chair laid before the Senate, on second reading,

S. B. No. 420, A bill to be entitled "An Act to create the Willis Independent School District in Montgomery County, Texas, defining its boundaries; providing for the election of trustees; providing for the retention in office of the present board of trustees of the Willis Independent School District; providing for the abolition of all other boards of trustees of any school district included within the district hereby created; providing for the raising of revenue, issuing bonds and maintaining public free schools; providing for means of transportation of the school children in said district; validating all issues of bonds heretofore voted and made; declaring valid and continuing in force all maintenance taxes heretofore voted and levied; providing for an election to determine (1) whether the entire district herein created as a whole shall assume all outstanding bonded indebtedness, and (2) whether all property within the Willis Independent School district as created by this Act shall be subject to all special school taxes heretofore voted and levied by the Willis Independent School District; repealing all laws in conflict with this Act, and declaring an emergency."

The Committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

#### Senate Bill No. 421.

The Chair laid before the Senate, on second reading,

S. B. No. 421, A bill to be entitled "An Act to amend Section 7, Chapter

87, H. B. No. 428, Special Act of the Thirty-fourth Legislature approved and made a law on March 23, 1915, incorporating Comanche Independent School District in Comanche County, Texas, so that it shall be the duty of the board of trustees of said district to order an election to determine whether there shall be levied, assessed and collected upon all taxable property within said district a tax not to exceed the rate of one dollar and fifty cents on the one hundred dollar valuation of such property in such district for the purpose of supplementing State school funds apportioned to said district, in lieu of the rate of fifty cents, for said purpose, on the one hundred dollar valuation as provided in Section 7 of said Act, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

#### Senate Bill No. 424.

The Chair laid before the Senate, on second reading,

S. B. No. 424, A bill to be entitled "An Act to amend Section 1 of Chapter 18, Special Laws of the Thirty-eighth Legislature, Third Called Session, the same being entitled 'An Act to amend Section 1, of the H. B. No. 115, enacted by the Third Called Session of the Thirty-sixth Legislature, approved June 17, 1920, amending and revising the metes and bounds of the Miami Independent School District in Roberts County, adding additional territory thereto, and exempting same from present outstanding bonded indebtedness of said Miami Independent School District, continuing the present trustees in office, validating levies of taxes heretofore made, and declaring an emergency,' so that the said section shall hereafter read as herein set out, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

#### Senate Bill No. 430.

The Chair laid before the Senate, on second reading,

S. B. No. 430, A bill to be entitled "An Act to amend Section 19, of Chapter 5, Local and Special Laws passed

by the Thirty-third Legislature at its Regular Session, same being a special road law for San Jacinto County, Texas, by adding thereto Section 19a to permit the issuance of bonds by said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes prior to March 1, 1925, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

#### Senate Bill No. 432.

The Chair laid before the Senate, on second reading,

S. B. No. 432, A bill to be entitled "An Act creating and establishing West University Place Independent School District, in Harris County, Texas, defining and describing it by metes and bounds, providing for the government thereof, providing for the election of trustees therefor, providing for the government thereof as under the General Laws in all matters not otherwise specially provided herein, providing for the extension of boundaries thereof, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

#### Senate Bill No. 433.

The Chair laid before the Senate, on second reading,

S. B. No. 433, A bill to be entitled "An Act validating Common School District No. 5 of Gaines County, Texas, and validating an issue of bonds heretofore voted by said district; defining the powers of the county board of school trustees of Gaines County in respect to said district, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

#### Senate Bill No. 436.

The Chair laid before the Senate, on second reading,

S. B. No. 436, A bill to be entitled "An Act to amend Section 2, Chapter 40, Local and Special Laws enacted by the Regular Session of the Thirty-

fourth Legislature in 1915, same being an amendment to San Saba County Special Road Law, by adding thereto Section 2a, to permit the issuance of bonds by San Saba County for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

#### Senate Bill No. 334.

The Chair laid before the Senate, on second reading,

S. B. No. 334, A bill to be entitled "An Act amending Article 5988, Title 96, Revised Civil Statutes of Texas, 1911, as amended by Chapter 31, General Laws of the Thirty-eighth Legislature, Second Called Session, relating to the bond of county treasurer as treasurer of the Navigation District, so that said article shall provide for the bond to cover all funds in the hands of the treasurer of said district and so as to provide for the conditions and approval of said bond and so as to provide for a district depository; providing that all laws or parts of laws in conflict herewith are repealed, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

#### Senate Bill No. 403.

The Chair laid before the Senate, on second reading,

S. B. No. 403, A bill to be entitled "An Act to amend Section 3, Chapter 81, of the Local and Special Laws enacted by the Thirty-fourth Legislature at its Regular Session in 1915, same being a special road law for Young County, by adding thereto Section 2a, to permit the issuance of bonds by Young County for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

#### Senate Bill No. 425.

The Chair laid before the Senate, on second reading,

S. B. No. 425, A bill to be entitled "An Act creating and establishing Sweeny Independent School District in Brazoria County, Texas; defining and describing it by metes and bounds; providing for election of trustees thereof; providing for it to assume the outstanding indebtedness of Sweeny Independent School District as heretofore created; vesting in it the title to all school property situated therein; providing for the government thereof as under the General Laws applicable to towns and villages incorporated for free school purposes only; providing for the extension of boundaries thereof; validating outstanding schoolhouse bonds and tax levies and assessments, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

#### Senate Bill No. 427.

The Chair laid before the Senate, on second reading,

S. B. No. 427, A bill to be entitled "An Act to empower and direct the Governor of the State of Texas, with the consent of the City of Austin, to cancel the lease heretofore made by the State of Texas to the City of Austin of certain land lying between the Colorado River and Outlots One (1) and Eleven (11) in Division "Z," in the City of Austin, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

#### Senate Bill No. 355.

The Chair laid before the Senate, on second reading,

S. B. No. 355, A bill to be entitled "An Act to authorize water improvement districts or conservation and reclamation districts which are or may be operating under contract with the United States Government or any department thereof, to acquire, construct, operate, lease or otherwise control, use or employ steam and water power facilities and plants for the generation, distribution and supply of electrical energy;

giving them authority to incur indebtedness for the accomplishment of such purposes, subject to the regulations, terms, conditions and provisions of Chapter 87, General Laws Thirty-fifth Legislature, Regular Session, relating to issuance and sale of bonds, and of the Acts amendatory thereof and supplementary thereto; authorizing such districts to contract with districts organized under the laws of other states; authorizing the joint acquisition, operation and control of such plants and facilities by such districts; authorizing contracts between said districts to accomplish the purposes authorized by this Act; requiring ratification of such contracts by the legally qualified voters of such district, and prescribing the method of entering into such contracts; authorizing such districts to sell or lease power to municipal and other corporations, firms or individuals; authorizing the establishment of a joint office for two or more such districts and the employment of a general manager, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

#### House Bills on First Reading.

The following House bills were laid before the Senate, read severally first time and referred to appropriate committees:

H. B. No. 316, referred to Committee on Educational Affairs.

H. B. No. 369, referred to Committee on Judicial Districts.

H. B. No. 427, referred to Committee on Educational Affairs.

H. B. No. 433, referred to Committee on Judicial Districts.

H. B. No. 464, referred to Committee on State Affairs.

H. B. No. 474, referred to Committee on Stock and Stock Raising.

H. B. No. 503, referred to Committee on Stock and Stock Raising.

H. B. No. 536, referred to Committee on Educational Affairs.

#### Senate Bill No. 393.

The Chair laid before the Senate, on second reading,

S. B. No. 393, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employes of certain educational institutions and other expenses of maintaining and conducting them as fol-

lows, to-wit: Agricultural and Mechanical College, College of Industrial Arts, East Texas State Teachers College at Commerce, State Experiment Stations, Extension Service of Agricultural and Mechanical College, John Tarleton Agricultural College, North Texas Agricultural College, North Texas State Teachers College at Denton, Prairie View State Normal and Industrial College, Sam Houston State Teachers College at Huntsville, South Texas State Teachers College at Kingsville, Southwest Texas State Teachers College at San Marcos, State Forestry Department, Stephen F. Austin State Teachers College at Nacogdoches, Sul Ross State Teachers College at Alpine, Texas School for the Blind, Texas School for the Deaf, Texas Technological College, University of Texas, including the Medical Branch at Galveston, and the College of Mines and Metallurgy at El Paso, and West Texas State Teachers College at Canyon, for years beginning September 1, 1925, and ending August 31, 1927, and declaring an emergency."

The bill was read second time, and Senator Wood moved that the bill be considered, one school at the time, which motion was adopted.

Senator Strong offered the following amendment:

Amend S. B. No. 393, page 16, by striking out the word "Emeritus" and the figures "3600" in both columns, line 12, and insert in lieu thereof the figures "4500" in both columns.

The amendment was read, and Senator Pollard offered the following substitute for the amendment:

Substitute for amendment by reinstating line 12, and creating a new line, known as 12a, page 16, as follows:

Professor....	\$4,500.00	\$4,500.00
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Senator Strong moved to table the substitute, which motion to table was adopted.

The amendment was adopted.

Senator Strong offered the following amendments, severally, which were read and adopted.

1. Amend S. B. No. 393, page 16, by striking out the word "Two" and the figures "4000," in both columns, line 13, and insert in lieu thereof the word "One" and the figures "1800," in both columns.

2. Amend S. B. No. 393, page 16, by striking out the figures "5500," second column, line 7, and insert in lieu thereof the figures "6000."

Senator Fairchild offered the following amendment, which was read and adopted:

Amend S. B. No. 293, page 54, line 17, by striking out the figures 6500 in each column and insert in lieu thereof 7500 in each column.

Senator Pollard offered the following amendment:

Amend S. B. No. 293, by adding under Substation No. 2, Troup, the following:

For land, equipment, labor, traveling expenses, material, etc., for the purpose of combating diseases affecting fruits, nuts, berries, tomatoes, ornamental shrubbery, vases, etc., and propagation thereof the sum of \$25,000 for the years ending August 31, 1926, and August 31, 1927; or so much thereof as may be necessary.

The amendment was read and adopted by the following vote:

Yeas—20.

Berkeley.	Floyd.
Bledsoe.	Hardin of Kaufman.
Bowers.	Holbrook.
Fairchild.	Lewis.

Miller.	Real.
Moore of Hunt.	Reid.
Parnell.	Stuart.
Parr.	Triplett.
Pollard.	Wirtz.
Price.	Wood.

Nays—7.

Davis.	Strong.
Hardin of Erath.	Ward.
Moore of Cooke.	Witt.
Russek.	

Absent.

Smith.

Absent—Excused.

Bailey.	Woodward.
Murphy.	

Senator Parnell offered the following amendment, which was read and adopted:

Amend S. B. No. 393, page 85, by striking out all after the line 11 down to and including line 10 on page 86 and insert in lieu thereof the following:

	For the Year Ending	
	Aug. 31, 1926.	Aug. 31, 1927.

Labor, irrigation experiment farm.....	\$ 3,000.00	\$ 3,000.00
Furniture and fixtures; postage, stationery and office supplies; freight and express; telegraph and telephone; and travel expense of superintendent.....	400.00	400.00
Seeds and plants; fertilizers; chemicals; and laboratory supplies and equipment .....	600.00	600.00
Fences .....	600.00	600.00
Farm machinery and implements and repairs thereon.....	2,000.00	1,000.00
Fuels, oils, greases, lubricants and repairs for engines.....	200.00	200.00
Cottage for superintendent, new station.....	3,500.00	
Three teams of work stock .....	900.00	
Barn for work stock .....	2,500.00	
Three laborers' cottages for the biennium; two first year, and one the second year.....	2,400.00	1,200.00
Implement shed .....	600.00	
Laboratory and office building, new station.....		2,500.00
Scientific apparatus, including weather instruments, new station .....	600.00	600.00
<b>Total, Substation No. 16, Wichita Valley Station.....</b>	<b>\$20,000.00</b>	<b>\$12,800.00</b>

Senator Wirtz offered the following amendment, which was read and adopted:

Amend S. B. No. 393, page 88, by adding between lines 31 and 32 a new line to be called 31a: "Assistant professor of public speaking, \$1,500.00," each year.

Senator Stuart offered the following amendment:

Amend S. B. No. 393, page 102, by adding a new line between lines 10 and 11: "Dormitory, including equipment, \$150,000.00," to be placed under column of August 31, 1926.

STUART,  
WARD.

**Senate Bill No. 173.**

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

S. B. No. 173, A bill to be entitled "An Act amending Section 2, Chapter 29, General Laws of the Thirty-eighth Legislature, enacted at the Third Called Session thereof, so as to add the words "in contemplation of death" to the clause levying a tax upon property passing by deed, grant, sale or gift made or intended to take effect in possession or enjoyment after the death of the grantor or donor."

There was a pending amendment, and Senator Fairchild moved to lay the bill on the table, subject to call.

Senator Strong made the point of order that the bill was a revenue raising measure and should have originated in the House.

The Chair referred the point of order to the Senate and the same was sustained by the Senate, by the following vote:

Yeas—14.

Berkeley.	Parnell.
Bledsoe.	Parr.
Davis.	Pollard.
Fairchild.	Real.
Floyd.	Strong.
Hardin of Erath.	Triplett.
Lewis.	Wirtz.

Nays—9.

Hardin of Kaufman.	Reid.
Holbrook.	Stuart.
Moore of Hunt.	Ward.
Moore of Cooke.	Witt.
Price.	

Present—Not Voting.

Wood.

Absent.

Bowers.	Russek.
Miller.	Smith.

Absent—Excused.

Bailey.	Woodward.
Murphy.	

**Senate Bill No. 393.**

Action recurred on the consideration of S. B. No. 393, the question being on the pending amendment by Senators Stuart and Ward.

Senator Davis moved to table the amendment; the yeas and nays were demanded, and the roll call developed no quorum present.

Recess.

On motion of Senator Stuart the Senate, at 12:15 o'clock p. m., recessed until 2 o'clock today.

After Recess.

The Senate was called to order by Lieutenant Governor Miller.

**Senate Bill No. 393.**

Action recurred on the pending business, S. B. No. 393, the question being on the motion by Senator Davis to table the amendment by Senator Stuart.

The motion to table was lost, by the following vote:

Yeas—6.

Davis.	Strong.
Hardin of Kaufman.	Wirtz.
Real.	Wood.

Nays—14.

Berkeley.	Pollard.
Fairchild.	Reid.
Holbrook.	Smith.
Lewis.	Stuart.
Moore of Hunt.	Triplett.
Moore of Cooke.	Ward.
Parr.	Witt.

Present—Not Voting.

Parnell.

Absent.

Bledsoe.	Miller.
Bowers.	Price.
Floyd.	Russek.
Hardin of Erath.	

Absent—Excused.

Bailey.	Woodward.
Murphy.	

The amendment by Senator Stuart was then, after further discussion, adopted, by the following vote:

Yeas—14.

Berkeley.	Parr.
Bowers.	Pollard.
Fairchild.	Reid.
Floyd.	Smith.
Moore of Hunt.	Stuart.
Moore of Cooke.	Triplett.
Parnell.	Ward.

## Nays—9.

Davis.	Strong.
Hardin of Kaufman.	Wirtz.
Holbrook.	Witt.
Price.	Wood.
Real.	

## Present—Not Voting.

Bledsoe.	Lewis.
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## Absent.

Hardin of Erath.	Russek.
Miller.	

## Absent—Excused.

Bailey.	Woodward.
Murphy.	

Senator Wirtz offered the following amendment, which was read and adopted:

Amend S. B. No. 393, Southwest Texas Teachers' College, page 128, line 5, "Summer School," by striking out the figures "\$45,000.00" in both columns and insert the figures "\$50,000.00" in both columns.

Senator Wirtz offered the following amendment, which was read and adopted:

Amend S. B. No. 393, Southwest Texas State Teachers' College, page 128, line 20, "Science Building," by striking out the figures "\$175,000.00" and add in lieu thereof "\$200,000.00."

Senator Wirtz offered the following amendment:

Amend S. B. No. 399, Southwest Texas Teachers' College, p. 129, by adding between lines 20 and 21, the following, Girls' dormitory for the year ending August 31, 1927, \$150,000.00.

The amendment was lost, and Senator Wirtz moved to reconsider the vote by which the amendment was lost, which motion to reconsider was adopted, by the following vote:

## Yeas—18.

Berkeley.	Parnell.
Bledsoe.	Parr.
Bowers.	Pollard.
Fairchild.	Reid.
Floyd.	Stuart.
Hardin of Erath.	Triplett.
Holbrook.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Witt.

## Nays—7.

Davis.	Smith.
Hardin of Kaufman.	Strong.
Lewis.	Wood.
Real.	

## Absent.

Miller.	Russek.
Price.	

## Absent—Excused.

Bailey.	Woodward.
Murphy.	

The amendment was then adopted by the following vote:

## Yeas—15.

Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Reid.
Fairchild.	Stuart.
Floyd.	Triplett.
Moore of Hunt.	Ward.
Moore of Cooke.	Wirtz.
Parnell.	

## Nays—9.

Davis.	Price.
Hardin of Erath.	Real.
Hardin of Kaufman.	Smith.
Lewis.	Strong.
Miller.	

## Absent.

Witt.
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## Absent—Excused.

Bailey.	Woodward.
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## (Pairs Recorded.)

Senator Wood (present), who would vote nay; with Senator Murphy (absent), who would vote yea.

Senator Holbrook (present), who would vote nay; with Senator Russek (absent), who would vote yea.

Senator Fairchild offered the following amendment:

Amend S. B. No. 393, p. 130, line 25, by adding the figures \$10,000 each year and the words:

"For the purchase of land for reforestation purposes the same to be bought for the State by a board composed of Dr. Bizzell of A. & M. College, E. A. Siecke, State Forester, and J. T. Robinson, Land Commissioner."

The amendment was read and adopted by the following vote:



## Yeas—15.

Berkeley.	Pollard.
Bledsoe.	Reid.
Bowers.	Stuart.
Fairchild.	Triplett.
Floyd.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Witt.
Parr.	

## Nays—12.

Davis.	Parnell.
Hardin of Erath.	Price.
Hardin of Kaufman	Real.
Holbrook.	Smith.
Lewis.	Strong.
Miller.	Wood.

Absent.

Russek.

Absent—Excused.

Bailey.	Woodward.
Murphy.	

Senator Fairchild offered the following amendment:

Amend S. B. No. 393 on p. 134 of the printed bill by striking out the figures \$175,000.00 in line 21, and inserting the figures \$225,000.00 in lieu thereof.

The amendment was read and adopted.

Senator Bowers offered the following amendment, which was read and adopted:

Amend S. B. No. 393, p. 36, by adding between lines 14 and 15, the following: "Instructor"—1,800.00—\$1,800.00.

Senator Reid offered the following amendment, which was read and adopted:

Amend S. B. No. 393, p. 152, line 24, by striking out in both columns the figures \$2,250.00, and inserting in lieu thereof the figures \$2,400.00 in both columns.

Senator Reid offered the following amendment, which was read and adopted:

Amend S. B. No. 393, p. 152, line 6, by striking out in both columns the figures \$2,400.00 and inserting in lieu thereof the figures \$2,250.00 in both columns.

Senator Reid offered the following amendment, which was read and adopted:

Amend S. B. No. 393, p. 154, line

24, by striking out the word "two."  
The bill was passed to engrossment.

On motion of Senator Davis, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 393 put on its third reading and final passage, by the following vote:

## Yeas—24.

Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Smith.
Floyd.	Strong.
Hardin of Erath.	Stuart.
Miller.	Triplett.
Moore of Hunt.	Ward.
Moore of Cooke.	Wirtz.
Parnell.	Witt.
Parr.	Wood.

## Nays—3.

Hardin of Kaufman.	Lewis.
Holbrook.	

Absent.

Russek.

Absent—Excused.

Bailey.	Woodward.
Murphy.	

S. B. No. 393 was laid before the Senate, read third time and passed finally, by the following vote:

## Yeas—23.

Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Reid.
Davis.	Smith.
Fairchild.	Strong.
Hardin of Erath.	Stuart.
Lewis.	Triplett.
Miller.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Witt.
Parnell.	Wood.
Parr.	

## Nays—3.

Floyd.	Holbrook.
Hardin of Kaufman.	

Absent.

Real.	Russek.
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Absent—Excused.

Bailey.	Woodward.
Murphy.	

**Free Conference Committee Report  
on House Bill No. 218.**

Austin, Texas Feb. 5, 1925.

Hon. Barry Miller, President of the Senate; Hon Lee Satterwhite, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed on the part of the Senate and House to adjust the differences between said bodies on

H. B. No. 218, A bill to be entitled "An Act repealing Chapter 60 of the General Laws amended by Chapter 4 of the General Laws of the Second Called Session of the Thirty-fifth Legislature, as amended by Chapter 44 of the General Laws of the Regular Session of the Thirty-sixth Legislature, as amended by Chapter 27 of the General Laws of the Second Called Session of the Thirty-sixth Legislature as amended by Chapter 38 of the General Laws of the Third Called Session of the Thirty-sixth Legislature, as amended by Chapter 10 of the General Laws of the Fourth Called Session of the Thirty-sixth Legislature, and an Act to embody in one Act the substance of the provisions of said repealed Statutes, with substantially the following eliminations and changes, viz: et al."

Have had same under consideration and beg to report on same as follows:

We recommend its passage with the following amendments:

1. Strike out all after the enacting clause and insert in lieu thereof the following:

Section 1. That the following Acts be, and the same are hereby repealed, viz: Chapter 60 of the General Laws of the Regular Session of the Thirty-fifth Legislature, as amended by Chapter 12 of the General Laws of the First Called Session of the Thirty-fifth Legislature, as amended by Chapter 4 of the General Laws of the Second Called Session of the Thirty-fifth Legislature, as amended by Chapter 44 of the General Laws of the Regular Session of the Thirty-sixth Legislature, as amended by Chapter 27 of the General Laws of the Second Called Session of the Thirty-sixth Legislature, as amended by Chapter 38 of the General Laws of the Third Called Session of the Thirty-sixth Legislature, as amended by Chapter 10 of the General Laws of the Fourth

Called Session of the Thirty-sixth Legislature.

Sec. 2. The word "tick", as used in this Act, is defined to mean the fever-carrying tick (*Margararopic Annulatus*) and no other species of ticks; and the word "cattle", as used in this Act, is defined to include horses, mules and asses.

Sec. 3. It is hereby made the duty of the commission provided for in Article 7312, Revised Civil Statutes, to protect the domestic animals of the State from all malignant, contagious or infectious diseases, whether said diseases exist in Texas or elsewhere; and, subject to the limitations herein prescribed, said commission, for said purposes, is hereby authorized and empowered to establish, maintain and enforce such protective measures and quarantine lines and sanitary rules and regulations as may be necessary whenever it shall determine upon proper inspection that such diseases exist. It shall also be the duty of said commission to co-operate with the Livestock Sanitary Commission and officers of other states, and with the United States Secretary of Agriculture in establishing such interstate quarantine lines, rules and regulations, subject to the limitations herein prescribed, as shall best protect the livestock industry of this State against the fever-carrying tick (*Magararopic Annulatus*) and other malignant, contagious, infectious or other communicable diseases of livestock. It shall be the duty of said commission to quarantine any district, county, or part of county or premises within this State when it shall determine, upon proper inspection, the fact that cattle, sheep, or other livestock in such district, county or part of county or premises are infected with any malignant, contagious, infectious or communicable disease, or with the agency of transmission of such disease, and to give written or printed notice of such quarantine to the proper officers of railroad and express companies doing business in or through such quarantine district, county, or part of county within this State, and to publish notices of the establishment of such quarantine in such newspaper in the quarantined district, county, or part of county as the Livestock Sanitary Commission may select, or to give notice in such other ways as it deems necessary and adequate for the purpose of establishing and

maintaining a quarantine service; and no railroad or express company shall receive for transportation, or transport from any quarantined district, county, or part of county in this State into any other district, county or part of county within this State any cattle, sheep or other livestock except as hereinafter provided for; nor shall any person, company or corporation deliver for transportation to any railroad or express company any cattle, sheep or other livestock from a quarantined area except as hereinafter provided; nor shall any person, company or corporation drive on foot, or cause to be driven on foot, or transport in private conveyance, or cause to be transported in private conveyance, or drive, or permit to be driven or permit to go, whether driven or not, from a quarantined district, county, or part of county or premises in this State any cattle, sheep or other livestock except as hereinafter provided. It is hereby made the duty of the Livestock Sanitary Commission of Texas to make and promulgate rules and regulations which shall permit and govern the inspection, disinfection, certification, treatment, and handling and method and manner of delivery and shipment of cattle and other livestock from and into a quarantined district, county, or part of county or premises and into any other district, county, or part of county or premises in this State, and said commission shall make and promulgate rules and regulations which shall permit and govern the movement and shipment of cattle and other livestock from or into a quarantined district, county or part of county or premises into a quarantined district, county or part of county or premises into any other district, county, part of county or premises in this State, and said rules and regulations shall permit cattle to be shipped from all quarantined areas to State markets, without other condition, for immediate slaughter on being cleaned of ticks under official inspection, and shall permit cattle to be shipped from quarantined areas into non-tick infested areas otherwise than for immediate slaughter upon such cattle being dipped until they are cleaned of ticks and inspected by an authorized inspector of the Livestock Sanitary Commission, and it is hereby made the duty of the Livestock Sanitary Commission to promptly furnish of-

ficial inspection of all cattle tendered for shipment from quarantined areas application to it for such inspection by the owner or caretaker of such cattle. It is hereby made the duty of the Livestock Sanitary Commission of Texas to give notice of all of its rules and regulations by proclamation issued by the Governor of Texas and to furnish to any owner of livestock who applies therefor a printed copy of all such rules and regulations. The said Livestock Sanitary Commission of Texas is hereby empowered to employ a State veterinarian and assistant State veterinarian in times of emergency, and inspectors or other persons as it may deem necessary for the performance of the duties imposed upon said commission and the Livestock Sanitary Commission, the State veterinarian, assistant State veterinarians and inspectors acting under authority or direction of the commission are hereby empowered, and it is made their duty at their discretion, to enter upon the premises of any person or persons, company or corporation within this State for the purpose of inspecting, quarantining or disinfecting premises or livestock thereon.

Sec. 4. It is hereby provided that the Livestock Sanitary Commission of Texas shall have the power to control the sale and distribution of all veterinary biological products within this State, and it is hereby made its duty, subject to the limitations herein prescribed, to destroy and eradicate the fever-carrying tick; also to eradicate and eliminate the scabies, sheepscab, hog cholera, glanders, and all other malignant, contagious, infectious and other communicable diseases of livestock. For this purpose it is empowered and directed to establish quarantine districts where such diseases or infection of such diseases are known to exist, and notice of the establishment of such special quarantine districts shall be given as provided in Article 7314, Revised Civil Statutes, and in Section 3 of this Act. Said Commission shall have the power to quarantine premises or pastures located in said special quarantine districts and the domestic livestock thereon situated in such quarantined districts or elsewhere when such pasture or quarantined premises or livestock located thereon are infected with or have been exposed to malignant, contagious, infectious or

communicable diseases or infection thereof; and no livestock shall be moved to or from such special quarantined district or from any pastures or premises located in such special quarantined district in a manner, method or condition other than those prescribed by the Livestock Sanitary Commission and by this Act. It shall be the duty of the Livestock Sanitary Commission to prescribe methods for dipping livestock or otherwise treating or disinfecting said premises and the livestock thereon, as in their opinion are necessary and adequate for the eradication of the disease or the infection of the disease for which they are quarantined.

Sec. 5. It shall be the duty of the county commissioners' court to co-operate with and assist the Livestock Sanitary Commission in protecting the livestock for their respective counties from all malignant, contagious and infectious or communicable diseases, whether such diseases exist within or outside of the county, and otherwise to protect the livestock interests of their counties. It shall be the duty of the commissioners' courts in those counties which adopt compulsory tick eradication work under the local option provisions of this Act to co-operate with the Livestock Sanitary Commission and the officers working under the authority or direction of said Commission in the suppression and eradication of ticks and all malignant, contagious, infectious or communicable diseases of livestock; provided when it becomes necessary to disinfect any premises, county or subdivision of the county infected with anthrax, hog cholera, glanders, foot and mouth disease, bovine tuberculosis, or contagious abortion, under orders of the Livestock Sanitary Commission, the county judge of the county where said premises are located shall have such disinfecting done at the expense of the county and according to the rules and regulations of the Livestock Sanitary Commission, and said commissioners' courts are hereby authorized and empowered and directed to appropriate moneys out of the general fund of their counties, to incur indebtedness by the issuance of warrants, and to levy a tax to pay the interest thereon and provide a sinking fund for the payment thereof for the purpose of purchasing,

constructing or leasing necessary public dipping vats within their counties; provided that said warrants shall draw interest at a rate not exceeding six per cent per annum and shall run not exceeding twenty years from the date hereof.

Sec. 6. It shall be the duty of the Livestock Sanitary Commission, whenever they have a reason to believe or shall receive notice that any malignant, contagious, infectious or communicable diseases exist among any domestic animals in the State, to immediately investigate, and if such disease is found to exist, or if they have reason to believe such disease exists, to immediately quarantine such animals and premises and land upon which they are located, provided that if glanders or anthrax is found, the State Veterinarian or Assistant State Veterinarian shall make a thorough investigation and shall notify the county judge of the county wherein such animals are located of the number and description of the animals so infected.

Sec. 7. It shall be the duty of the county judge of any county in the State, whenever any horse, mule or ass within their counties is found infected with glanders and have been quarantined by order of the Livestock Sanitary Commission, to appoint three disinterested parties who shall act as appraisers and fix the value of such animals at their actual value at the time of such appraisement, and make a sworn written report of said appraisement to the county judge, whereupon the commissioners' court shall pass upon such written report, and pay to the owner of the animals their appraised value. The county judge, on receipt of a report of the appraisers, as provided for in this section, shall issue an order to the sheriff, deputy sheriff, or any constable of the county, commanding him to seize said diseased animal or animals, and take same to some secluded place and kill them and burn their carcass or carcasses, and said appraisers and officers shall be paid for their services as provided for in Article 7320, Revised Civil Statutes.

Sec. 8. It shall be the duty of any person, firm or corporation of this State to burn to ashes or bury at a depth of not less than two and one-half feet and to cover with quick lime the carcass or carcasses of any domestic animal or animals dying

from any infectious, contagious or communicable disease of any malignant character that may be found upon their premises within twenty-four hours after the death of such animal or animals. Any person who is the owner or caretaker of any premises who shall fail or refuse to burn to ashes or bury to the depth herein prescribed and cover with quick lime the carcass or carcasses of any domestic animal or animals dying from infectious, contagious or communicable disease of a malignant character found on such premises within twenty-four hours after the death of such animal or animals, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than ten dollars nor more than one hundred dollars, and each day said owner or caretaker of said premises shall fail or refuse to burn said animal or animals, as aforesaid, shall be deemed a separate offense.

Sec. 9. It shall be the duty of the commissioners' courts of every county in Texas where systematic tick eradication work is not being conducted at the State expense, whenever they deem it expedient, or when petitioned to do so by seventy-five resident land owners and qualified voters in the county, to order an election for the purpose of determining whether the county shall take up and prosecute the work of tick eradication in said county. Said election shall be ordered and held not less than sixty days after the filing of the petition. At said election the ballots shall have printed upon them "For tick eradication in \_\_\_\_\_ County" and "Against tick eradication in \_\_\_\_\_ County." The officers of said election shall hold said election and make return thereof as provided by law in cases of other elections, as nearly as may be. Said returns shall be made to the county judge of the county. The commissioners' court shall meet and canvass said returns as soon as practicable after such election, and if they find that a majority of all the votes cast were in favor of tick eradication, under the direction of the Livestock Sanitary Commission, they shall so certify to said commission and cause publication of the result of said election to be made in a newspaper published in said county,

which publication shall be certified to by the county judge of said county, and said certificate shall be filed with the county clerk of said county, which said certificate shall be admissible in evidence in any court of this State. The county judge of the county shall immediately so notify the Livestock Sanitary Commission, and upon receipt of such notice from the county judge of the county so holding the election, the Livestock Sanitary Commission shall cause to be issued a supplemental proclamation signed by the Governor of Texas, and the citizens of said county in cooperation with and under the directions of the Livestock Sanitary Commission shall begin work of tick eradication within thirty days of the issuance of said supplemental proclamation. Should the commissioners' court find that a majority of the votes cast were against tick eradication, then the county judge shall so notify the Livestock Sanitary Commission.

Sec. 10. Any person, firm or corporation who is the owner or caretaker of any cattle located in any territory which is quarantined because of tick infestation, who shall drive, ship, drift or permit his cattle to go into any county, part of any county, or district, or premises, or land of another, which has been freed of ticks, or in which systematic tick eradication is being carried on, without a written permit of an inspector of the Livestock Sanitary Commission of Texas, or of the United States Bureau of Animal Industry, showing said cattle to be free of ticks, shall be deemed guilty of a misdemeanor and, upon conviction thereof shall be fined in any sum not less than one dollar nor more than five dollars per head for all livestock so shipped, driven, drifted, or permitted to go into unquarantined territory, or in territory in which systematic tick eradication is being carried on. Provided, that any person or persons violating the provisions of this section of this Act may be prosecuted in the county from which such cattle were so illegally moved, and in each county into or through which they may have been taken.

Sec. 11. The commissioners' court of every county within this State where tick eradication is car-

ried on under the provisions of this Act may nominate for appointment by the Livestock Sanitary Commission the number of county inspectors found by the Livestock Sanitary Commission to be necessary to carry on the work of active tick eradication in such county, and when so nominated said Livestock Sanitary Commission shall appoint them. In the event of the failure or refusal of the commissioners' court to nominate said county inspector the Livestock Sanitary Commission is hereby authorized to appoint the number of county inspectors deemed by them to be necessary. Said county inspectors shall be residents of said county, shall work under the direction and orders of the Livestock Sanitary Commission, and shall be subject to discharge by said commission, and shall be paid their salaries out of the State Treasury of Texas, their compensation to be fixed by said commission.

In the event the commissioners' court should nominate any persons who are thereafter appointed such county inspector and the Livestock Sanitary Commission find or conclude that the commissioners' court of said county are trying to retard tick eradication or that they are nominating men who are incompetent or negligent in the performance of their duty, then in that event said Livestock Sanitary Commission is hereby authorized to ignore in the future nominations or recommendations by said commissioners' court of county inspectors. In any event, county inspectors must be residents of the county in which they are appointed to work.

The Livestock Sanitary Commission is hereby empowered to appoint a chief inspector, chief clerk, and such supervising inspectors as they deem necessary to carry on active, systematic tick eradication, and they are authorized and empowered to employ such clerical help as may be deemed necessary to maintain their office, and to appoint a chief veterinarian and such assistant veterinarians as they may deem necessary.

Sec. 12. Whenever any district, county or part of county shall be quarantined by order of the Livestock Sanitary Commission on account of scabies or scab in sheep, every individual premises and the lands of every individual, firm or corporation

within such quarantined area shall be quarantined separately, and no cattle or other livestock shall be shipped, driven, drifted or permitted to be shipped, driven or drifted from any premises where located when such quarantine is declared, without a written permit from an authorized inspector of the Livestock Sanitary Commission of Texas.

Sec. 13. In every county or part of county in this State where systematic tick eradication work is being conducted under the provisions of this Act, every person, company or corporation owning, controlling or caring for any cattle which have the fever-carrying tick (*Margararopic Annulatus*) upon them or upon any one of them, or that are exposed to the said fever-carrying tick, or that are on any premises or other place on which the fever-carrying tick is known to exist, or that sometime within nine months next preceding the issuance of the written direction to dip, hereinafter provided, been exposed to the said fever-carrying tick or been on said premises or other place on which the fever-carrying tick is known to exist, who shall fail or refuse to dip said cattle at such time and in such manner as directed in writing by the Livestock Sanitary Commission, or its chairman, as provided for in this Act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than twenty-five dollars nor more than one hundred dollars, and each day of such failure or refusal shall be a separate offense.

Sec. 14. The Livestock Sanitary Commission, or its chairman, is hereby authorized and empowered to direct in writing any person or persons, company or corporation owning, controlling or caring for any cattle which are subject to be dipped under the provisions of this Act in the prosecution of the systematic tick eradication work, to dip said cattle under the supervision of an authorized inspector of such commission in an arsenical solution of a strength not less than seven and one-half pounds, and not more than eight and one-half pounds, of arsenic to each five hundred gallons of water in the said solution for the purpose of destroying, eradicating and removing said fever-carrying tick or exposure, subject to the provisions of this Act. Said dipplings shall be administered at regular intervals, but the Livestock Sanitary Commission shall not require the dip-

ping of cattle at more frequent intervals than every fourteen days.

Sec. 15. The written direction issued by the Livestock Sanitary Commission, or its chairman, requiring the dipping of cattle, as provided for in this Act, shall be dated, showing the date of its issuance, the name of the person, company or corporation to whom the said directions are given, the approximate location of the premises on which the said livestock are located; the name of the county in which said premises are located, and it shall state in clear and intelligible language that the said cattle, which the person is therein directed to dip, have the fever-carrying tick upon them, or that they are exposed to the said fever-carrying tick, or are on a premise or other place on which the fever-carrying tick is known to exist, or that they have sometime during the nine months next preceding the date of the issuance of said written direction hereinbefore provided been exposed to the said fever-carrying tick, or been on a premises or other place on which the fever-carrying tick is known to exist; and it shall direct the said person, company or corporation to dip the said livestock under the supervision of an authorized inspector of the Livestock Sanitary Commission, in an arsenical solution of a strength of not less than seven and one-half pounds, nor more than eight and one-half pounds of arsenic to each five hundred gallons of water in the dipping solution in which the said livestock are to be dipped, and it shall designate the place, date and time that said dipping is to be done, and it shall be signed by the Livestock Sanitary Commission or its chairman.

Sec. 16. The said dipping direction, provided for in this Act, shall be delivered to the person, company or corporation owning, controlling or caring for said cattle required to be dipped at least fourteen full days before the date and time said dipping is to be administered. The person, company or corporation owning, controlling or caring for said cattle required to be dipped under the provisions of this Act may file with the Livestock Sanitary Commission, or its chairman, a written affidavit at any time within five days after receiving said written direction and not later, denying that said cattle are subject to being dipped under the provisions of law, or that for good and sufficient reason set out in said affidavit the said person, com-

pany or corporation is entitled to have said dipping direction rescinded, or to have said dipping postponed, and requesting that the Livestock Sanitary Commission, or its chairman, withhold the enforcement of said dipping direction and grant him or them a hearing on said matter, or make necessary investigation to determine the correctness of the statement contained in said affidavit. Upon the receipt of said affidavit, the Livestock Sanitary Commission, or its chairman, shall within five days after receipt of such affidavit grant said affiant a hearing in the office of the Chairman of said Commission if the affiant so desires it, and give such affiant notice of such hearing, by telegram or registered mail, and which hearing shall be set not less than four days after the serving of said notice and the said commission shall consider such ex parte affidavits as such owner or caretaker may file with said commission in said hearing, and said commission and its chairman shall make such investigation in person or through its authorized representatives, in reference to said statement as the said commission, or chairman thereof, deem necessary, and if said statements are found to be correct, the said dipping direction shall be rescinded by the said commission or its chairman; otherwise, the said dipping direction shall be enforced on the day at the time specified in said written direction. The said commission, or its chairman, after having granted said hearing, or made said investigation, shall notify the said person, company or corporation in writing of its findings, which said notice shall be delivered to the said person, company or corporation at least four full days before the day and time he or they are required to dip said cattle by virtue of said written direction. Any person, company or corporation who has been directed to dip said cattle as hereinbefore provided for who shall be dissatisfied with the findings of said Livestock Sanitary Commission, he or they may apply to a court of proper venue and jurisdiction for injunctive or other relief, which application for injunction upon proper allegations and verification shall be granted and the Livestock Sanitary Commission shall not enforce the said dipping order until the final disposition of such suit.

Sec. 17. The ascertaining of the presence of the fever-carrying tick on any premise, place or livestock,

or the ascertaining of exposure of premises, places or livestock to the said fever-carrying tick, shall be done by authorized representatives or inspectors of the Livestock Sanitary Commission, or by the said commissioners.

Sec. 18. The Livestock Sanitary Commission is hereby authorized and empowered to make, adopt and promulgate rules and regulations in conformity with this Act for the carrying out and enforcing the provisions of this Act.

Sec. 19. Whenever the Livestock Sanitary Commission shall have determined the fact that cattle, or other livestock, are infected with or exposed to splenic tick fever, bovine tuberculosis, anthrax, glanders, contagious abortion, hemorrhagic septicaemia, scabies, hog cholera, Malta fever, or other similar or dissimilar contagious, infectious or communicable disease, or to the agency of transmission thereof, recognized by the veterinary science as being contagious, infectious or communicable, the said Commission shall designate the district, county, or part of county or premises necessary to be quarantined, and notice of such quarantine shall be issued by the said Commission, or chairman thereof, as provided herein. Publication of such quarantine orders may be made in any newspaper within such area, or if no newspaper is published in such area, then the nearest newspaper thereto. In lieu of such publication the Livestock Sanitary Commission may give notice of such quarantine by posting a copy of such quarantine notice at the county court house door of the county in which said quarantine is to be effective. A written notice of such quarantine delivered to the owner or caretaker of livestock to be quarantined shall be sufficient notice of such quarantine, in lieu of notices above provided; provided that the owner and caretaker of milch cows or dairy cows shall not be required to dip such cattle unless upon examination by an authorized inspector of the Livestock Sanitary Commission such cattle or a part of them are found to have the fever-carrying tick upon them, or are exposed to said fever-carrying tick, and if the said Livestock Sanitary Commission shall so find, then said quarantine shall be effective as to the premises of such owner and said person shall be

subject to all the provisions of this Act, provided the term milch or dairy cows shall include only such cattle as are actually used for domestic or dairy purposes, and does not include stocker or breeding cattle for other purposes.

Sec. 20. Any owner, caretaker, or person in charge of any cattle, horses, mules or asses, who shall refuse to permit any duly authorized inspector of the Livestock Sanitary Commission to enter upon his land and premises for the purpose of making an inspection of such livestock to determine whether they are infected with said fever-carrying tick, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding two hundred dollars.

Sec. 21. Any owner, caretaker or person in charge of any cattle infected with or exposed to the fever-carrying tick, who shall ship, drive or permit to be moved or strayed to any county, part of county, or on the premises or land of another, whether in the county from which said driving, shipping or drifting or straying commence, or into some other county that has been freed of said fever-carrying tick, or released from quarantine, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not less than one dollar per head nor more than five dollars per head for all such livestock so shipped, driven, drifted, strayed or permitted to go into such clean territory; and prosecutions under this section of this Act may be instituted and carried on in the county where the movement originated and in each county into or through which they may have been so moved.

Sec. 22. Any railway company, or receiver or receivers of any railway company or other common carrier, who shall receive for shipment or who shall haul or transport into any county in this State any cattle, horses, mules or asses, in violation of any quarantine established by the Livestock Sanitary Commission, or its chairman or who shall receive for shipment, or who shall transport from any county in this State that is under quarantine to any other county in this State any cattle that have not been certified to by a regular inspector of the Livestock Sanitary Commission, shall be deemed guilty of a violation of this Act, and in any suit brought in a court of



competent jurisdiction by the district or county attorney, either in the county where such shipment was received by said railroad company, receiver, or other common carrier, or in the county to which or through which said shipment may be moved, such county attorney or district attorney is hereby authorized to recover, for the benefit of the State, penalties against said railway company of not more than fifty dollars per head for such cattle so received, hauled or transported.

Sec. 23. The owner, caretaker or person in charge of any cattle located in any quarantine county, district, area, premises or land, may move said cattle to shipping pens, and may ship same to market for the purpose of immediate slaughter upon one dipping, providing that in the driving or otherwise moving said cattle to the shipping pens, they shall not be moved or transported over or into any land or premises belonging to another that has been declared clean of the fevery tick by the Livestock Sanitary Commission, or over into any land or premises upon which systematic tick eradication is being carried on by the Livestock Sanitary Commission or the Bureau of Animal Industry.

If any owner, caretaker or other person in charge of any cattle intended to be shipped to market for immediate slaughter shall fail to dip their cattle or after dipping said cattle shall drive them to any shipping point through or into any area, premises or land of another declared clean by the Livestock Sanitary Commission, or into any premises or land of another upon which systematic tick eradication is being carried on by the Livestock Sanitary Commission, or who has failed to secure a certificate from a duly authorized inspector of the Livestock Sanitary Commission or the Bureau of Animal Industry showing that the above mentioned conditions have been complied with, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding \$200.00; and if the provisions of this section of this Act are violated by driving said cattle from county into or through another county, the prosecution may be instituted and maintained in the county where said movement of cattle originated and in any other county into or through which said cattle may have been so taken, moved or driven,

transported or shipped. Provided, that cattle shipped for the purpose of immediate slaughter under the provisions of this section shall be shipped within seventy-two (72) hours from the time they were dipped. The solution in which said cattle are dipped shall not be less than eight and one-fourth, nor more than nine and one-eighth pounds of arsenic to each 500 gallons of water.

Sec. 23a. Any owner or person in charge of any cattle located in quarantined counties in this State may move or ship said cattle to any other quarantined county in this State upon one dipping under official inspection of the Livestock Sanitary Commission or the Bureau of Animal Industry and so certified as having been inspected by said Livestock Sanitary Commission or said Bureau of Animal Industry, provided the county to which said cattle are shipped is not engaged in systematic tick eradication, and provided further that in moving said cattle to the shipping pens in the county from which they are shipped and in moving said cattle from the shipping pens in the county to which they are shipped they do not go into, through or over any clean land or premises, and provided further that said cattle shall not be unloaded en route in clean pens and shall not be unloaded at the point of destination in any clean pens; provided that said cattle shall be shipped within forty-eight hours from the time they are dipped. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than one dollar per head and not exceeding five dollars per head or driven, and provided further that for said cattle so unlawfully shipped prosecutions under this section may be maintained in the county in which said shipment originated and in each county into or through which said cattle may have been driven or shipped. Said cattle shall be dipped in a solution of not less than 8 1-4 pounds and not more than 9 1-8 pounds of arsenic to each 500 gallons of water; provided that cattle may be driven from one quarantined county to another quarantined county, and when so driven pass through quarantined territory in which no systematic tick eradication is being carried on, and do not pass through

or along side of any clean territory, said cattle may be driven without dipping.

Sec. 24. Any person owning, controlling or in charge of any domestic animal or animals which shall be required to be dipped under any of the provisions of this Act, who shall wilfully fail or refuse to maintain said dip at the strength officially specified, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding two hundred dollars.

Sec. 25. Immediately after this Act becomes effective, the Livestock Sanitary Commission of Texas shall make out and certify to the Governor of Texas a list of all counties and portions of counties in Texas which have tick infested territory, land or premises that lie west of the following line, beginning at the mouth of the Brazos River thence with said river to the northwest corner of Robertson County, and a list of all counties lying north or west of the hereinafter described line; commencing at the northwest corner of Robertson County on said Brazos River; thence in an easterly direction with the north lines of Robertson and Leon Counties to the northeast corner of Leon County in the west line of Anderson County; thence in a southerly direction, following the west line of Anderson County to the southwest corner of said county and the northwest corner of Houston County; thence in an easterly direction with the dividing line between said counties of Anderson and Houston, to the southeast corner of Anderson County; thence in a northerly direction, following the east line of Anderson County, to the northwest corner of Cherokee County, same being the southwest corner of Smith County; thence in an easterly direction, following the north line of Cherokee County to the northeast corner of same, being the southeast corner of said Smith County in the west line of Rusk County; thence with the west line of Rusk County, in a northerly direction, to the northwest corner of same, said point being the southwest corner of Gregg County; thence in an easterly direction following the north line of Rusk County to where the same intersects the south line of Harrison County; thence with the south line of Harri-

son County and the north line of Panola County; thence with the south line of Harrison County to the southeast corner of said Harrison County on the Louisiana State line.

The Livestock Sanitary Commission shall designate from time to time, the counties and portions of counties in said area west of said Brazos River and north and west of a line running from the northwest corner of said Robertson County to the southeast corner of Harrison county as set out above in which systematic tick eradication work will be commenced, and the Governor shall thereupon issue his proclamation requiring systematic tick eradication work to begin and be prosecuted in said counties and portions of counties so designated by said Livestock Sanitary Commission, and thereafter, from time to time, said Livestock Sanitary Commission shall make out a list of additional counties or portions of counties in which they will carry on systematic tick eradication, if any, and thereupon the Governor shall issue his proclamation requiring systematic tick eradication work to begin in said counties or portions of counties so designated by the Livestock Sanitary Commission. The expense of said work to be borne as follows:

The salaries of all supervising inspectors and such county inspectors as the Livestock Sanitary Commission may deem necessary, shall be borne by the State of Texas, and the expense of purchasing the necessary dip shall also be borne by the State of Texas. The expense of buying or leasing and maintaining the necessary dipping vats shall be borne by the respective counties in said territory, and said counties shall also bear the expense of constructing and maintaining such necessary pens and other facilities incident to the proper dipping of livestock; and said work of tick eradication in said counties and portions of counties shall be prosecuted until the fever ticks therein are destroyed and said territory is released from quarantine by the Livestock Sanitary Commission.

Sec. 26. Immediately after this Act becomes effective the Livestock Sanitary Commission of Texas shall make out, and certify to the Governor of Texas, a list of all counties and portions of counties in Texas which have tick infested territory, land or

premises, whereupon the Governor shall issue his proclamation declaring a quarantine in all of said counties or portions of counties so designated by said Livestock Sanitary Commission, and no cattle shall be moved from any quarantined area, land or premises within said quarantined counties or parts of counties except as is provided for in this Act, or in accordance with the rules and regulations of the Livestock Sanitary Commission.

In all counties in this State, east of the Brazos River and South of said line running from the northwest corner of Robertson County to the southeast corner of Harrison County, who shall, at an election held for that purpose under the provisions of this Act, declare in favor of tick eradication, the expense of supervising inspectors and county inspectors, as well as the purchase of all necessary dip to carry on the work of tick eradication, shall be borne by the State of Texas, and the buying or leasing and maintaining the necessary dipping vats, shall be borne by the respective counties, and said counties shall also bear the expense of constructing and maintaining such necessary pens and other facilities incident to the proper dipping of livestock.

Sec. 27. In all counties and parts of counties in this State in which tick eradication work is being prosecuted under the provisions of this Act, or by virtue of any local option election, it shall be the duty of the owner, owners or caretakers of such cattle or other livestock within such territory, to gather same, at his or their own expense, and drive, or cause them to be driven, to the dipping vat, and to dip same for the purpose of eradicating said fever ticks. Upon the failure or refusal of any such owner, owners or caretakers of such animals so to do when directed by the Livestock Sanitary Commission, or its chairman, he or they shall be guilty of a misdemeanor and fined in any sum not less than twenty-five (\$25.00) dollars, nor more than one hundred (\$100.00) dollars, and each and every day that he or they shall refuse or fail to dip said cattle after said notice shall constitute a separate offense.

Sec. 27a. Premises, as referred to in this Act, is hereby defined as being any lot, block, tract, subdivision, subdivisions, surveys, grants, part or parts

thereof, of any kind situated within this State.

Sec. 27b. No inspector provided for in this Act shall be permitted to carry on or about his person, saddle or in his saddle bags, or automobile any pistol, dirk, dagger, slung shot, sword, cane, spear or knuckles made of any metal of any hard substance, bowie knife, or any other knife manufactured or sold for the purposes of offense or defense.

And in case any inspector secures appointment as deputy sheriff or deputy constable, or any other office that will permit him to carry arms, he shall be at once discharged by the Livestock Sanitary Commission, and in case they refuse to discharge such inspector, the county judge of the county where such inspector is employed shall discharge him.

Sec. 27c. By the term clean land, clean premises, clean area, clean pens and non-tick infested area, is meant those areas, premises, pens or land that have been declared free of the fever-carrying tick by the Livestock Sanitary Commission.

Sec. 28. The fact that there is now no adequate law in this State defining the duties of the Livestock Sanitary Commission, or regulating livestock sanitary control work in Texas, creates an emergency and an imperative public necessity that the constitutional rule requiring all bills to be read on three several days be suspended, and the same is hereby suspended, and this Act shall take effect and be in force, as set out in its provisions, from and after its passage, and it is so enacted.

2. Strike out all above or before the enacting clause and insert in lieu thereof the following:

By Free Conference                      F. C. C. B.  
Committee.                                  for H. B. No. 218.

#### A BILL

#### To Be Entitled

An Act repealing Chapter 60 of the General Laws of the Regular Session of the Thirty-fifth Legislature, as amended by Chapter 12 of the General Laws of the First Called Session of the Thirty-fifth Legislature, as amended by Chapter 4 of the General Laws of the Second Called Session of the Thirty-fifth Legislature, as amended by Chapter 44 of the General Laws of the Regular Session of the Thirty-sixth Legislature, as amended by Chap-

ter 27 of the General Laws of the Second Called Session of the Thirty-sixth Legislature as amended by Chapter 38 of the General Laws of the Third Called Session of the Thirty-sixth Legislature, as amended by Chapter 10 of the General Laws of the Fourth Called Session of the Thirty-sixth Legislature, and an Act to embody in one Act the substance of the provisions of said repealed Statutes, with substantially the following eliminations and changes, viz:

1. Abolishing the system of compulsory tick eradication and eradication zones, as provided for in said repealed Statutes.

2. Providing for the placing under quarantine of all portions of Texas that are at present infested with the fever-carrying tick.

3. Providing for compulsory tick eradication work at the expense of the State in the several counties as provided for in this Act, such work to be initiated and commenced in those tick infested counties and portions of counties as may be designated by the Livestock Sanitary Commission; said counties and portions of counties being bounded on the East by the Brazos River from the mouth of said river to the Northwest corner of Robertson County, and being all counties North and West of the following lines:

"Commencing at the Northwest corner of Robertson County, on said Brazos River; thence in an easterly direction with the north lines of Robertson and Leon Counties to the Northeast corner of Leon County, in the West line of Anderson County; thence in a southerly direction, following the West line of Anderson County to the Southwest corner of said county and Northwest corner of Houston County; thence in an easterly direction with the dividing line between said counties of Anderson and Houston to the Southeast corner of Anderson County; thence in a northerly direction, following the East line of Anderson County, to the Northwest corner of Cherokee County, same being the southwest corner of Smith County; thence in an easterly direction, following the North line of Cherokee County, to the Northeast corner of same, being the southeast corner of said Smith County, in the west line of Rusk County;

thence with the west line of Rusk County in a northerly direction to the Northwest corner of same, said point being the southwest corner of Gregg County; thence in an easterly direction following the North line of Rusk County to where the same intersects the South line of Harrison County and the North Line of Panola County, thence East with the South line of Harrison County to the Southeast corner of said Harrison County on the Louisiana state line and providing for the prosecution of said compulsory tick eradication work until all of the counties and portions of counties lying west and north of the above mentioned lines are freed of the fever-carrying tick and are released from quarantine by the Livestock Sanitary Commission of the State of Texas.

4. Prohibiting the owner of livestock in quarantined areas from shipping, driving, or permitting such stock to go, without legally issued permits therefor, into or along the side of any area that is free of fever-carrying ticks or in which systematic tick eradication is being carried on, and prescribing penalties for a violation of said requirement.

5. Permitting the owners, caretakers or persons in charge of any cattle infested with the fever-carrying tick from shipping, driving, drifting or permitting said cattle to go into any other county or portion of county within this State that is free of ticks or that may have been released from quarantine by the Livestock Sanitary Commission of Texas, and providing penalties therefor.

6. Prohibiting any owner or those controlling or caring for any livestock from moving from the land or premises of any person in a county that has been quarantined, livestock on to, through or along the side of the premises or land of any other person in such county, without securing a permit in writing from a duly authorized inspector of the Livestock Sanitary Commission, and prohibiting the shipping, driving or moving of quarantined livestock in any manner from any county under quarantine into any other county in this State, without first securing a written permit from a duly authorized inspector of the Livestock Sanitary Commission of the State of Texas; and providing penalties therefor.

7. Requiring all owners or care-

takers of any livestock, subject to infestation by the fever-carrying tick, to gather, drive and dip their livestock when infested or exposed to the said fever-carrying tick, upon each regular dipping date; and providing penalties therefor.

8. Providing penalties for the railroads and other common carriers in this State for receiving and transporting any cattle from any quarantined portion of this State to any other portion of this State, without those cattle having been first certified to by a duly authorized inspector of the Livestock Sanitary Commission of the State of Texas, as being cattle subject to be shipped or transported under the provisions of this Act.

9. Permitting livestock to go, on permits of the Livestock Sanitary Commission or the Bureau of Animal Industry, from all quarantined counties, areas, premises or land to State markets for immediate slaughter after one dipping under official inspection of said Livestock Sanitary Commission or of said Bureau of Animal Industry, and permitting cattle to go from quarantined to other quarantined counties on one dipping under said official inspection, provided the county to which such cattle are shipped is not engaged in systematic eradication, and providing further, that in moving said cattle to the shipping pens when shipped for immediate slaughter or to another quarantined county, they shall not pass through, into or along the side of any clean area or area in which systematic tick eradication is being carried on, and in the case of cattle shipped from one quarantined county to another quarantined county they shall not be unloaded in clean pens, or unloaded in clean pens at the point of destination, and shall not, after they reach the point of destination, be driven or moved through, into or along the side of any clean area; and providing penalties therefor.

10. Permitting livestock to be shipped or moved, on permit, from all quarantine areas into free areas, otherwise than for immediate slaughter, upon such livestock being dipped, until cleaned of ticks and inspected by an authorized inspector of the Livestock Sanitary Commission, which certificate, among other things, shall recite that said cattle have been dipped until they are cleaned of ticks, and have not been, since being so cleaned, exposed to

said fever tick, and providing that said Livestock Sanitary Commission shall furnish such inspection and permit when requested by the livestock owner to do so; and providing for penalties therefor.

11. Providing for the eradication and control, among cattle, horses, mules, asses, sheep, goats, hogs, and other livestock of this State, of all infectious, contagious and communicable diseases of livestock, known as splenic tick fever, bovine tuberculosis, anthrax, glanders, contagious abortion, hemorrhagic septicemia, cattle scabies, hog cholera, Malta fever, foot and mouth disease, rabies, and other contagious and infectious diseases. Providing for a system of quarantine by the Livestock Sanitary Commission of Texas, and the quarantine of such of the above mentioned livestock, premises, pens, pastures, ranches, yards, counties and parts of counties; authorizing said commission to issue direction for dipping cattle, horses, mules and asses, for eradicating the fever-carrying tick and cattle scabies; providing for said commission to adopt necessary rules and regulations; providing for the division of the State of Texas into free area, tick eradication area and general quarantine area, and the eradication of the fever-carrying tick (*Margaropis Annulatus*) in the tick eradication area and free area, and providing for said commission to employ supervising inspectors and to appoint county inspectors upon the recommendation of the respective commissioners' courts, and to authorize the employment of veterinarians, clerical help, law enforcement assistants and other necessary help for carrying out the provisions of this Act. Providing for the respective commissioners' courts, in counties where tick eradication work is being carried on, to furnish and maintain necessary dipping vats, and the expense of paying the salaries of inspectors and furnishing dip to be borne by the State of Texas.

12. Providing for the establishment by the Livestock Sanitary Commission of such rules and regulations as will require owners of cattle, horses, mules, and asses to dip said animals in an arsenical solution of not less than seven and one-half pounds and not more than nine and one-eighth pounds of arsenic to each 500 gallons of water, for the purpose of destroying, eradicating and removing the fever-carrying tick or ex-

posure, and providing a penalty for the refusal of the owner, caretaker or person in charge of said livestock to so dip same, and continue said dipping at intervals of every fourteen days, or such longer time, as said Livestock Sanitary Commission may direct and require in its regulation.

13. Providing and granting authority to any inspector of the Livestock Sanitary Commission of Texas to go on the premises and land of any owner of livestock in this State, and authorizing them to make an examination of the cattle, horses, mules and asses, to determine whether they are infested with the fever-carrying tick; and providing penalties therefor.

14. Providing for a system of local option tick eradication work, at State expense, in all tick infested counties in Texas in which said work is not now being prosecuted at State and county expense and as provided for in this Act, and declaring an emergency.

15. Providing for the employment and payment of supervising and county inspectors and the purchase of necessary dip, at State expense, and providing for the several counties in which systematic tick eradication is being carried on, building, leasing and maintaining dipping vats, pens and other facilities.

16. Providing that any owner, owners, or caretakers of any cattle or other livestock that carry fever-carrying ticks, shall gather, drive and dip said cattle after being given notice by the Livestock Sanitary Commission, or its chairman, so to do, and providing penalties for the failure to comply with said notices as provided for in this Act.

17. Providing for the district attorney and the Attorney General to bring suit for mandamus against the county judge and commissioners' court, compelling them to furnish necessary dipping vats, pens, chutes, and appliances, and to maintain same, as provided for in this Act.

Respectfully submitted,

PARR,  
STUART,  
FAIRCHILD,  
STRONG,  
BOWERS,

On the part of the Senate.

STEVENSON,  
LOFTIN,  
FINLAY,  
DOWNS,  
WESTBROOK,

On the part of the House.

The above report was adopted, by the following vote:

Yeas—22.

Berkeley.	Parr.
Bledsoe.	Price.
Davis.	Real.
Fairchild.	Reid.
Floyd.	Strong.
Hardin of Erath.	Stuart.
Holbrook.	Triplett.
Miller.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Witt.
Parnell.	Wood.

Nays—3.

Bowers.	Pollard.
Lewis.	

Absent.

Hardin of Kaufman.	Smith.
Russek.	

Absent—Excused.

Bailey.	Woodward.
Murphy.	

House Bill No. 100.

S. B. No. 63, being a special order for this hour, and the House Bill, on the same subject matter, being on the calendar, the Chair, under the rules, laid before the Senate, on second reading,

H. B. No. 100, A bill to be entitled "An Act for the purpose of promoting the public school interests of rural schools and small towns, of aiding the people to provide adequate school facilities for the education of their children for the next two fiscal years, ending August 31, 1926, and August 31, 1927, respectively."

Senator Pollard moved that the bill be made a special order for Monday morning, following the conclusion of the morning call.

The motion was adopted.

Senate Bill No. 98.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

S. B. No. 98, A bill to be entitled "An Act making an appropriation to carry into effect the provisions of Chapter 41, General Laws of the First Called Session of the Thirty-seventh Legislature, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Davis, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 98 put on its third reading and final passage, by the following vote:

## Yeas—24.

Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Davis.	Real.
Fairchild.	Reid.
Floyd.	Smith.
Hardin of Erath.	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Miller.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Wood.

## Absent.

Hardin of Kaufman.	Russek.
Parnell.	Witt.

## Absent—Excused.

Bailey.	Woodward.
Murphy.	

S. B. No. 98 was laid before the Senate, read third time, and passed finally, by the following vote:

## Yeas—22.

Berkeley.	Moore of Cooke.
Bledsoe.	Parr.
Bowers.	Pollard.
Davis.	Price.
Fairchild.	Real.
Floyd.	Reid.
Hardin of Erath.	Smith.
Holbrook.	Strong.
Lewis.	Stuart.
Miller.	Triplett.
Moore of Hunt.	Wood.

## Absent.

Hardin of Kaufman.	Ward.
Parnell.	Wirtz.
Russek.	Witt.

## Absent—Excused.

Bailey.	Woodward.
Murphy.	

## Senate Bill No. 71.

Senator Bowers asked unanimous consent to take up, out of its order, S. B. No. 71, but there was objection.

Senator Bowers moved that the

pending business be suspended and that S. B. No. 71 be taken up, out of its order, which motion was adopted, by the following vote:

## Yeas—17.

Berkeley.	Real.
Bledsoe.	Reid.
Bowers.	Smith.
Davis.	Stuart.
Hardin of Erath.	Triplett.
Lewis.	Wirtz.
Moore of Hunt.	Witt.
Parr.	Wood.
Price.	

## Nays—5.

Fairchild.	Moore of Cooke.
Holbrook.	Strong.
Miller.	

## Absent.

Floyd.	Pollard.
Hardin of Kaufman.	Russek.
Parnell.	Ward.

## Absent—Excused.

Bailey.	Woodward.
Murphy.	

The bill was laid on the table, subject to call.

## Senate Bill No. 406.

## (By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

S. B. No. 406, A bill to be entitled "An Act making certain emergency and supplemental appropriations out of the general revenue of the State for the several institutions and departments of the State Government, as named herein, for the balance of the fiscal year ending August 31, 1925, and declaring an emergency."

The bill was read second time, and Senator Davis offered the following amendment, which was read and adopted:

Amend. S. B. No. 406, page 3, line 9, by striking out the figures "\$400.00" and insert in lieu thereof the figures "\$1,250.00."

The bill was passed to engrossment.

On motion of Senator Davis, the constitutional rule requiring bills to be read on three several days was

suspended and S. B. No. 406 put on its third reading and final passage, by the following vote:

Yeas—24.

Berkeley.	Moore of Cooke.
Bledsoe.	Parr.
Bowers.	Pollard.
Davis.	Real.
Fairchild.	Reid.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Wood.

Absent.

Parnell.	Russek.
Price.	Witt.

Absent—Excused.

Bailey.	Woodward.
Murphy.	

S. B. No. 406 was laid before the Senate, read third time, and passed finally, by the following vote:

Yeas—23.

Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Smith.
Floyd.	Strong.
Hardin of Erath.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Wood.
Moore of Cooke.	

Present—Not Voting.

Hardin of Kaufman

Absent.

Parnell.	Russek.
Price.	Witt.

Absent—Excused.

Bailey.	Woodward.
Murphy.	

Senate Bill No. 119—House Amendments Concurred in.

Senator Wirtz called up S. B. No. 119, with House amendments, and moved that the Senate concur in the House Amendments.

The motion to concur was adopted, by the following vote:

Yeas—24.

Berkeley.	Parnell.
Bledsoe.	Parr.
Bowers.	Price.
Davis.	Real.
Fairchild.	Smith.
Floyd.	Strong.
Hardin of Erath.	Stuart.
Hardin of Kaufman.	Triplett.
Holbrook.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.

Absent.

Lewis.	Reid.
Pollard.	Russek.

Absent—Excused.

Bailey.	Woodward.
Murphy.	

Senate Joint Resolution No. 4.

The Chair laid before the Senate, S. J. R. No. 4, A joint resolution "Amending sections of the Constitution of the State of Texas, as follows: 'Section 1 of Article 8, relating to uniform taxation; poll, occupation, and income tax, and exempting income of natural persons from taxation.'"

The resolution was read second time, and Senator Witt moved to indefinitely postpone the further consideration of the resolution.

Senator Moore of Hunt moved to table the motion to postpone, which motion was adopted by the following vote:

Yeas—15.

Berkeley.	Parnell.
Bledsoe.	Parr.
Davis.	Reid.
Holbrook.	Smith.
Lewis.	Stuart.
Miller.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	

Nay—11.

Bowers.	Price.
Fairchild.	Real.
Floyd.	Strong.
Hardin of Erath.	Triplett.
Hardin of Kaufman.	Witt.
Pollard.	



**Absent.**

Russek.

Wood.

**Absent—Excused.**

Bailey.

Woodward.

Murphy.

The resolution then was passed to engrossment.

**Senate Bill No. 272.**

The Chair laid before the Senate, on second reading,

S. B. No. 272, A bill to be entitled "An Act amending Section 4 of Chapter 29 of the General Laws of the Second Called Session of the Thirty-eighth Legislature so as to exempt from the inheritance tax therein provided bequests and devices passing to public charities, and declaring an emergency."

The bill was read second time, and Senator Holbrook offered the following amendments, which were read and adopted:

1. Amend S. B. No. 272 by adding after the word "public," line 32, page 1, the following, "religious, or educational."

2. Amend S. B. No. 272 by adding in the Caption after the word public, line 10 page 1, the following, "religious, or educational."

3. Amend S. B. No. 272 by adding after the word "charities," line 1, page 2, the following new section:

Section 1a. All laws and parts of laws in conflict herewith are hereby repealed.

The bill was then passed to engrossment.

**Senate Bill No. 75.**

The Chair laid before the Senate, on second reading,

S. B. No. 75, A bill to be entitled "An Act regulating and providing for a better election and primary election system in this State; providing for a preferential or first and second choice ballot in primaries; making provisions for necessary details or poll tax payments, voting and requirements incidental to suffrage and elections, and declaring an emergency."

The committee substitute for the bill was adopted.

The bill was then passed to engrossment.

**Senate Bill No. 271.**

The Chair laid before the Senate, on second reading,

S. B. No. 271, A bill to be entitled "An Act to establish a State Board of Embalmers and Undertakers; to provide a system of examinations for embalmers' licenses and undertakers' licenses; to provide for the registration and licensing of embalmers and undertakers to practice their profession or business in the State of Texas; to provide for the better protection of life and health and the prevention for the spread of infectious and contagious diseases; to provide regulations for the revocation of embalmers' licenses and undertakers' licenses by the State Board of Embalmers and Undertakers; defining who are embalmers and undertakers; defining violations of this Act and fixing penalties therefor; repealing all laws and parts of laws in conflict herewith; fixing a time when same shall take effect, and declaring an emergency."

The committee report, with committee amendments, was adopted.

The bill was read second time and failed of passage, by the following vote:

**Yeas—11.**

Berkeley.	Stuart.
Hardin of Erath.	Triplett.
Holbrook.	Ward.
Moore of Hunt.	Witt.
Parnell.	Wood.
Real.	

**Nays—13.**

Bledsoe.	Parr.
Davis.	Price.
Fairchild.	Reid.
Floyd.	Smith.
Hardin of Kaufman.	Strong.
Lewis.	Wirtz.
Miller.	

**Absent.**

Bowers.	Pollard.
Moore of Cooke.	Russek.

**Absent—Excused.**

Bailey.	Woodward.
Murphy.	

**Senate Bill No. 279.**

Senator Floyd called from the table, and the Chair laid before the Senate, on second reading,

S. B. No. 279, A bill to be entitled "An Act to prevent the stealing and disposal of motor vehicles; to pro-

vide certificate of title to owners of motor cars; to provide water-proof container and carrier for said certificate of title; repealing all laws in conflict herewith; providing penalties for the violation of the provisions of this Act."

Senator Fairchild offered a substitute for the bill, the substitute being printed in the Journal of February 25 and is not reprinted here.

The substitute was adopted.

The bill was then passed to engrossment.

#### **Senate Bill No. 172.**

The Chair laid before the Senate, on second reading,

S. B. No. 172, A bill to be entitled "An Act to provide the method of preparing statement of facts in all cases appealed or taken up on writ of error, and for the consideration of same by the appellate courts, and for the inclusion therein of bills of exception, and for the repeal of all laws or parts of laws in conflict with this Act."

The bill was read second time and passed to engrossment.

#### **Senate Bill No. 222.**

The Chair laid before the Senate, on second reading,

S. B. No. 222, A bill to be entitled "An Act to prevent unnecessary noises in the operation of motor vehicles and motorcycles on the public highways; making it an offense to operate on any public highway or street in this State a motor vehicle or motorcycle not equipped with a muffler or equipped with a muffler cutout; defining the term "muffler"; defining the term "muffler cutout"; prescribing penalties for violation of the Act; and declaring an emergency."

The bill was read second time and passed to engrossment.

#### **Senate Bill No. 267.**

The Chair laid before the Senate, on second reading,

S. B. No. 267.

The bill was read second time and laid on the table subject to call.

#### **Senate Bill No. 268.**

The Chair laid before the Senate, on second reading,

S. B. No. 268, A bill to be entitled "An Act to amend Sections 1, 3 and 5 of Chapter 163 of an Act of the Regular Session of the Thirty-sixth

Legislature, approved April 3, 1919, relating to the advertisement and sale of public free school and asylum land, and adding another section providing for validating sales held by the Supreme Court to be void and other sales; allowing forfeiting owners six months in which to redeem their forfeited lands, and declaring an emergency."

The bill was read second time and passed to engrossment.

#### **Senate Bill No. 125.**

The Chair laid before the Senate, on second reading.

S. B. No. 125, A bill to be entitled "An Act amending Article 5122 of the Revised Civil Statutes of 1911, relating to the appointment of jury commissioners by district courts, and prescribing their qualifications, so as to provide for the appointment by said courts of not less than three nor more than five such commissions, and declaring an emergency."

The bill was read second time and passed to engrossment.

#### **Senate Concurrent Resolution No. 33.**

By Senator Witt:

S. C. R. No. 33, providing for payment of portrait of Governor Pat M. Neff to be hung in the Capitol.

The resolution was read and adopted.

#### **Senate Resolution No. 54.**

By Senator Davis:

Be it resolved by the Senate of the State of Texas, that in the preparation, printing and publishing of the permanent copies of the Senate Journal, the notary lists from the several counties of Texas and the bills which have been printed in the Senate Journal from day to day shall be omitted from said permanent publication, or volumes—it being the intention of this resolution to provide that the captions of the bills shall appear in the permanent Senate Journals, but the body of the bills shall not appear therein.

The resolution was read and adopted.

#### **Senate Joint Resolution No. 18.**

The Chair laid before the Senate, on second reading,

S. J. R. No. 18, A joint resolution of the Legislature of the State of Texas proposing to amend Section 4, Article 5, of the Constitution of the

State of Texas, so that it shall hereafter provide for five judges of the Court of Criminal Appeals.

The resolution was read second time and passed to engrossment.

#### Simple Resolution No. 55.

By Senators Stuart and Moore of Hunt:

Whereas, Mr. Neil O'Brien, the eldest, and one of the best known comedians in the United States, is now in the city; and

Whereas, He has with him his band and some of his comedians; therefore, be it

Resolved, That Mr. O'Brien, his band and other comedians, be given the privileges and courtesies of the floor of the Senate of the State of Texas; and be it further

Resolved, that he be invited to address the Senate, and that his band be invited to play for the Senate of Texas.

The resolution was read and adopted.

#### Senate Bill No. 415.

The Chair laid before the Senate, on second reading,

S. B. No. 415, A bill to be entitled "An Act to amend Chapter 117 of the General Laws of the Regular Session of the Thirty-eighth Legislature so as to make proper disposition of intoxicating liquor seized and authorized to be destroyed by court order, and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Recess.

On motion of Senator Pollard the Senate, at 5:30 o'clock p. m., recessed until 7:30 o'clock tonight.

#### After Recess.

The Senate was called to order by Lieutenant Governor Miller.

#### In Committee of the Whole.

The Senate resolved into a Committee of the Whole for the purpose of resuming the taking of testimony in the Penitentiary Investigating Committee.

#### In the Senate.

The Senate convened as a Senate at 10 o'clock p. m., with Lieutenant Governor Miller presiding.

Senator Wirtz, Chairman of the Committee of the Whole, reported to

the Senate that the committee had recessed until tomorrow night at 7:30.

#### Adjournment.

On motion of Senator Wood the Senate adjourned until tomorrow morning at 9:30 o'clock.

### APPENDIX.

#### Committee Reports.

Committee Room,  
Austin, Texas, March 6, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 433, A bill to be entitled "An Act to increase the jurisdiction of the county court of Tarrant County for civil cases, and conferring upon said court criminal jurisdiction in certain cases; to provide for the filing of civil and criminal cases in both the county court of Tarrant County, and the transfer of cases into and between said courts; to fix the salaries of the judges of the county court of Tarrant County for civil cases and the county court at law of Tarrant County; to change the designation of said last named courts; providing a saving clause, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

PRICE, Chairman.

Committee Room,  
Austin, Texas, March 6, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 349, A bill to be entitled "An Act relating to the appropriation and use of water and providing that such water may be appropriated and used for purposes of public parks, game preserves, recreation and pleasure resorts, power and water supply for industrial purposes and domestic use; amending Section 16, Chapter 88, Acts of the Regular Session of the Thirty-fifth Legislature, providing for the filing of presentations relating to investigation of the use of water and the terms and conditions thereof, that priority

of right dates from the filing of same, that such rights shall extend for a period of six months and may be extended by order of the Board of Water Engineers not to exceed a total period of three years and the requisites, conditions and operation of same; providing that the fees paid upon the filing of a presentation may be held for the term thereof or during the period of any extension thereof and be handled according to law, and that all rights under a presentation shall cease at the end of the term thereof unless a permit is issued in pursuance thereof; amending Section 41, Chapter 88, Acts of the Regular Session of the Thirty-fifth Legislature, providing the fees to be paid to the State Board of Water Engineers for the use and benefit of the State in matters pertaining to the conduct of said office, the granting of permits, extensions of time and detailed operations of such office, and the maximum fee to be paid for the appropriation and use of water in accordance with the law; providing that anyone may construct on his own property a dam or reservoir to contain not to exceed fifty acre feet of water without securing a permit therefor; providing that anyone who shall fail to file annual reports as provided by Section 100, Chapter 88, Acts of the Regular Session of the Thirty-fifth Legislature, shall be liable to a penalty therefor not to exceed a maximum of \$150.00; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BLESOE, Chairman.

Committee Room,  
Austin, Texas, March 6, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Educational Affairs, to whom was referred

S. B. No. 437, A bill to be entitled "An Act to create Westbrook Independent School District in Mitchell County, Texas, including therein the present Westbrook Independent School District of the said county; providing a board of trustees therefor, etc."

Have had the same under consideration, and I am instructed to report

the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, March 6, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Educational Affairs, to whom was referred

H. B. No. 556, A bill to be entitled "An Act creating the Orange Independent School District in the county of Orange, State of Texas; defining its boundaries, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, March 6, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Educational Affairs, to whom was referred

S. B. No. 415.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WITT, Chairman.

Committee Room,  
Austin, Texas, March 5, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Town and City Corporations, to whom was referred

S. B. No. 228,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

STUART, Chairman.

#### FORTY-FIRST DAY.

Senate Chamber,  
Austin, Texas,  
Saturday, March 7, 1925.

The Senate met at 9:30 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.